

Patients' deaths haven't moved state board to act

Panel that can strip doctors' licenses pledges more inquiries

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By DOUG J. SWANSON / The Dallas Morning News

The Texas State Board of Medical Examiners, the agency that pledges to protect the public, has shown routine mercy to doctors whose negligence killed the people they were treating.

It has granted second and third chances to surgeons who were thrown out of hospitals because they botched operations. It has forgiven physicians who overlooked cancerous tumors, who maimed infants or whose mistakes left women sterilized.

It has refused, in the last five years, to revoke the license of a single doctor for committing medical errors, a *Dallas Morning News* analysis of board records has found. Disciplined doctors

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And it has, since January of last year, failed to investigate the deaths of more than 1,000 patients. Thousands more may have been ignored over the last decade.

"We didn't do as well as we should," said Dr. Donald Patrick, who became the board's executive director in September. He said he had begun making sweeping improvements that target laggard workers, chaotic record-keeping and regulatory breakdown.

Within the last year, Dr. Patrick said, the board has tripled its number of disciplinary hearings. "This place is humming, and people are really thrilled with what we're doing," he said.

In 2001, the agency's performance put it near the bottom of national rankings of state medical boards. Some influential outsiders now are asking whether it is worth saving.

"The board of medical examiners is badly broken," said state Rep. Ray Allen, R-Grand Prairie. "They should understand that the Legislature will be looking very hard at whether they need to continue to exist."

For years, the board has been unable – or unwilling – to crack down on physicians who commit serious, repeated medical errors. Some agency staff members and officials blame bureaucratic inefficiency compounded by a reluctance to confront doctors who injure patients.

Though it has the power to cast troubled Texas physicians from the profession, the 18-member voting board – 12 of whom are doctors – does so infrequently.

LICENSE SURRENDERS

Here is a list of Texas doctors who surrendered their licenses between January 1997 and May 2002, and the state medical board's listed reasons – which don't necessarily address all complaints that may have been made against a physician.

1997

Roy Lee Fischer, 76, Heath – recurring liability claims

James Hollis Jones, 82, Denton – impairment due to illness or chemical abuse

Michael G. Samuels, 47, Dallas – administering scientifically unproven treatments

John Fredric Whitaker, 66, Dallas – unprofessional conduct

Keith Gene Winterowd, 67, DeSoto – convicted of mail fraud

1998

John A. Alderman, 61, Odessa – practice inconsistent with public health and welfare; previous drug addiction

Abdul-Husein Al Marashi, 70, Dallas – unprofessional conduct

Fouad Mohamed Ayad, 69, Denison – unprofessional conduct

Michael Richard Clynch, 51, Farmersville – intemperate use of alcohol or drugs

Charles Nicholas Fiore, 90, Houston – nontherapeutic prescribing or treatment

Peter Bernard Fisher, 70, Houston – drug and alcohol abuse

Thomas Henry Gemoets, deceased, Houston – convicted of engaging in organized criminal activity

Ernest Santoscoy, 80, Anthony – abetting the unlicensed practice of medicine

Michael D. Spain, 50, San Antonio – improper prescription of narcotics

Alfred Vaughn Williams, 61, San Antonio – convicted of bribing an IRS agent

1999

Arthur Baay Conde, 70, Houston – sexual misconduct with patients

Mark Alan Dunegan, 46, Houston – intemperate use of controlled substances

Anilkumar P. Goswami, 62, Odessa – sexual misconduct; failure to keep adequate medical records

Alvin Charles Lostetter, 64, Laredo – health condition

Joseph W. Moore, 47, Austin – improper prescription of controlled drugs

Kenneth Michael Piazza, 56, Jasper – pleaded guilty to federal narcotics crime

2000

Carl Jacob Fuchs, 81, Texas City – sexual misconduct

Mamerto M. Jose, deceased, Terrell – nontherapeutic prescribing or treatment

Thomas A. Lera Jr., 48, Galveston – license revoked in Oklahoma for conviction of child sexual abuse

T. Jose Antonio Tovar, 69, Houston – prescribing narcotics while under board suspension

Rodolfo Carlos Valdivia, 77, El Paso – incapacitated

2001

Homer Freeman Elliot, 76, Portland – physical limitations, disciplinary action by peers

Michael Eric Freeburger, 60, Fair Oaks Ranch – substance abuse

Marilyn Janice Friday, 53, Smithville – alcohol abuse

Cesar P. Gregorio, 63, Rockwall – failure to maintain adequate drug records

Amante Deleon Medina, 70, Keene – impairment due to illness or chemical abuse

Nancy Sellars, 46, Houston – delivery of a prescription form for nonvalid medical purpose

James Blaine Stevens, 41, Dallas – abuse of nonprescribed drugs

Lloyd Gilbert Thompson, 67, Dallas – failure to take required courses and appear at a board hearing

C.B. Wallace Jr., 65, Kerrville – intemperate use of alcohol

2002

Robert Wood Allen, 76, Rockwall – health concerns

Robert Vernon Colpitts, 82, Houston – health concerns

William Edwin Gibbons, 75, Dallas – health concerns

Robert Michael Hamm, 57, Brownsville – alcohol abuse; health concerns

Dale Blair Haufrect, 58, Houston – illness

Thomas Fulton Lowe, 62, San Angelo – nontherapeutic prescribing

Billy Joe Maynard, 79, Crane – nontherapeutic prescribing of drugs

Bahjat A. Rahman, 57, Houston – health concerns

Eugene Paul Schoch Jr., 78, Austin – retirement

This list was compiled by *Dallas Morning News* researchers Richard Dickey and Michelle Crutchfield from Texas State Board of Medical Examiners disciplinary orders, databases and press releases. It includes only physicians who were practicing in the state of Texas at the time of their disciplinary proceedings.

Over the last five years, the board has taken more than 700 disciplinary actions against physicians. In that same period, it permanently revoked the licenses of only 18 doctors practicing in the state.

Three committed mail fraud. Several failed drug tests. One didn't pay his income taxes.

But not one of those revocations, *The News'* analysis has found, was directly related to medical errors of any sort, including patient death.

"With the Texas board, you get at least one dead patient," said Dallas medical malpractice lawyer Les Weisbrod. "You've got to kill two or three before they do anything to you."

In addition to the 18 revocations, since 1997 the board has accepted the voluntary surrender of licenses from 44 physicians in Texas, many of them elderly practitioners ready for retirement anyway.

None of those surrenders was attributed in the board's public records to mistakes that harmed patients.

The News reviewed thousands of pages of medical board disciplinary orders, as well as more than 100 malpractice case files in 18 county courthouses across Texas. The pattern evident over the last decade was one of state-sanctioned tolerance for serious medical mistakes.

"The board was less interested in revoking somebody on a quality-of-care case than they were on a behavioral issue" such as drug abuse, said Dr. Bruce Levy, the board's executive director from 1993 to 2000. "We did not specifically look at medical errors at that time."

Dr. Patrick, the current executive director, said the agency in past years was hesitant to take on cases of patient harm because the investigations are laborious and complicated.

"They weren't popular cases to work," he said, adding that he had ordered a change. "The first week I took this job I said, 'We're going to be interested in standard of care.' ... That's what we're expected to do. That's how we protect the public."

That would represent a major shift, say some patients' advocates.

"They don't do squat," said medical malpractice lawyer Jacquelyn Gregan of Houston. "I tell all my clients that I send to the board, 'Don't expect anything to come of it.' "

Board records support her statement. In tens of thousands of cases involving allegations of patient harm, the board made no effort at all.

Malpractice claims

By law, every medical malpractice suit filed in Texas must be reported to the state board. Whether most of these suits are frivolous or meritorious, the board can't say. It has been too short of money, manpower and institutional will to examine closely more than a small percentage of them.

In 1998, agency figures show, more than 4,500 malpractice claims or suits were filed against Texas doctors. About 750 of those resulted in payments to patients, with an average of \$344,000 per case.

The state board investigated only 121 of the 4,500. And it began actual disciplinary proceedings against only three of those physicians.

In May of this year, the governor's office gave the board a \$200,000 emergency grant to reopen abandoned cases. The following month, the board sent a progress report to the governor, which was released to *The News* after a request under the state Public Information Act.

The board reported that it had reviewed 6,038 malpractice claims that had been entered into its database from January 2001 to May 2002. Not one of those cases had been investigated, the agency revealed.

And, it said, 1,068 of them involved patient death.

The board has disclosed in other records that it did not investigate 46,276 malpractice claims or suits reported to it from 1991 to 2000.

Roughly 18 percent of all malpractice cases not investigated by the board since January 2001 involved patient death. If the same percentage applies across the years, the state board has neglected to investigate more than 9,000 malpractice cases involving patient death since 1991.

"You see why I went to the governor and said, 'Look, we have to have the money to look into this,' " Dr. Patrick said.

LICENSE REVOCATIONS

Here is a list of Texas doctors whose licenses were revoked between January 1997 and May 2002, and the reasons given by the state medical board:

1997

None

1998

Daniel James Martinez, 50, San Antonio – cocaine use

1999

Hernan Enrique Burgos, 76, Fort Worth – conviction for mail fraud

2000

David William Davis, 80, Houston – prescribing a controlled substance without a valid medical purpose, failure to appear at a hearing

Bernard Joseph Dolenz, 69, Dallas – mail fraud conviction
Bruce Stanton Hinkley, 56, Dallas – cocaine use
Pedro I. Rivera, 45, Richardson – tax fraud conviction, failure to appear at a hearing
Bryan Matthew Wayne, 44, Houston – alcohol, psychological problems, failure to appear at a hearing
Timothy John Wright, 40, Mexia – felony sexual misconduct

2001

Henry Edward Eugene Bonham, 60, Fort Worth – mail fraud conviction
George E. Gross, 53, DeSoto – inappropriate prescribing, failure to appear at a hearing
Leonard D. Shockey, 69, Pineland – federal drug conviction
Ronald Bruce Wurtsbaugh, 58, Austin – sexual misconduct

2002

Carl L. Fulton, 55, Dallas – practicing medicine while license under suspension
Harold Granek, 57, Fort Worth – abandonment of patient, sexual misconduct (board has agreed to reconsider penalty)
David W. Krueger, 55, Houston – sexual misconduct
Patricio Salvador, 62, Houston – allowed unlicensed physician's assistant to treat patients (board action overturned by state District Court)
Stephen Crockett Thomas, 53, Lubbock – drug abuse
Albert Andrew Yen, 33, Houston – sexual misconduct

This list was compiled by *Dallas Morning News* researchers Richard Dickey and Michelle Crutchfield from Texas State Board of Medical Examiners disciplinary orders, databases and news releases. It includes only physicians who were practicing in the state of Texas at the time of the revocation. In many cases, the board disciplined doctors by revoking their licenses, staying the revocation and putting the offending physicians on probation. Those doctors do not appear in this list.

He added that "a great number" of those cases actually may have been examined – if complaints had been filed with the board, independent of malpractice suits.

But he doesn't know for certain and can't cite any figures, Dr. Patrick said, because the agency's computer system is inadequate to the task.

Conversely, the actual number of unexamined cases might be higher. The agency admits that its collection of malpractice statistics is erratic and disorganized.

"Our figures are lousy," Dr. Patrick said. "It's difficult flying blind."

The News asked to inspect cases in the medical board's malpractice files, but the state attorney general's office ruled that the information was confidential by law.

The board's report last month to the governor promised that staff members would review many of the newer malpractice claims and that "no less than 150" investigations would be

launched before Sept. 1. The effort will be expanded, Dr. Patrick said, as more money becomes available.

As part of its effort to improve, the board will ask the Legislature in January for an expanded budget and broader enforcement powers. Some lawmakers, however, are beginning to wonder whether the agency is beyond repair.

"What we want is a board that actually functions, and does its job and merits the public's confidence," said Mr. Allen, a member of the House Appropriations Committee. "The board has not succeeded at any of these expectations. ... I don't think you'll see the Legislature throwing good money after bad."

In May, at the insistence of the governor's office, the board adopted a resolution declaring that it "renews its commitment" to disciplining physicians who have injured or killed patients.

"I feel we're improving the product," said board president Lee Anderson, a Fort Worth ophthalmologist.

Such proclamations notwithstanding, the Texas board has a long way to go just to reach the national average for performance. Last year its rate of license revocations, surrenders and suspensions – less than one for every 1,000 physicians – put it 38th among all states, according to statistics collected by the Federation of State Medical Boards.

Among the 10 largest states, Texas placed last.

'He destroyed me'

Some patients, or their surviving family members, assume that winning a large malpractice settlement guarantees that the medical board will discipline a doctor.

Debby Stanley made that mistake with Dr. Charles C. Bittle Jr. "I thought they took that son of a bitch's license away forever," she said.

Dr. Bittle, of Sanger, had problems with at least two cases.

THE TEXAS STATE BOARD OF MEDICAL EXAMINERS

Based in Austin, the board investigates an average of 1,350 doctors each year. Investigations are triggered by patient complaints, criminal actions, hospital suspensions and malpractice lawsuits.

If an investigation shows that a complaint against a doctor may have merit, the case is taken to an informal settlement conference. There, several board members attempt to reach an agreement with the doctor on his punishment.

The conferences are not open to members of the public.

Discipline can range from a reprimand to restrictions to suspension to license surrender to license revocation. Often, when a doctor's license is suspended or revoked, the action is immediately stayed and the physician is put on probation for a period of years.

All agreements made in the informal settlement conference must be approved by a public vote of the full board. The board's 18 members, 12 of whom are doctors, are appointed by the governor. The executive director is not a voting member.

If no agreement on discipline can be reached between the physician and the board, the case is referred to the State Office of Administrative Hearings. An administrative judge conducts a hearing, issues findings and recommends punishment.

The board usually follows the administrative judge's recommendation when imposing discipline, but it is not required to do so.

A doctor may appeal disciplinary actions by the board to state District Court.

– *Doug J. Swanson*

One was the 1991 death of a 3-year-old boy whom he treated in the emergency room of a Lancaster hospital. Dr. Bittle diagnosed the child with gastroenteritis and sent him home with medicine for nausea. Actually, the boy had intestinal blockage. He died five days later, after emergency surgery, of blood poisoning.

The child's parents said that Dr. Bittle misread the X-rays. Their suit against him was settled in 1992 for \$570,000.

The medical board took no action.

The other case was Mrs. Stanley's son, Jody.

He was 19, a college student on a Thanksgiving visit home, when he saw Dr. Bittle in 1989 in his Sanger office for a painful lump on his left hip. The doctor told him he had a strain from crossing his legs.

Four months later, home for spring break, Mr. Stanley complained that the lump was larger and more painful. Dr. Bittle did not palpate the swollen area, according to court papers, but prescribed an anti-inflammatory medication.

A year after his initial visit, the lump was still growing and hurt more. His mother insisted that Mr. Stanley see another doctor.

The second physician discovered a malignant growth on Mr. Stanley's hip. Worse, the cancer had spread to his lungs. He had chemotherapy, then surgery for a tumor "the size of a small watermelon," Mrs. Stanley said.

Doctors said he had a 20 percent chance of living for three to five years.

"The doctors told me if they would have caught it early, he would have had more than a 75 percent chance of surviving," Mrs. Stanley said. "If Bittle had just sent Jody for a plain-Jane X-ray, we would have known."

The Stanleys sued Dr. Bittle and settled for \$175,000.

"We could have gotten millions. We settled for a hell of a lot less so Jody could enjoy it while he was alive," Mrs. Stanley said. "My son was a junior at Texas A&M. He was going to be a veterinarian. He had his whole life ahead of him."

He spent his last six months on oxygen and morphine, dying in 1993 at 23.

Mrs. Stanley said her lawyer told her the matter would be taken to the state board. No investigator ever contacted her, she said. The board took no action on the case.

When she found that Dr. Bittle was still in practice, she said, she bought a .38-caliber handgun.

"I was going to kill him," she said. "He destroyed me. I was going to walk into his office and shoot him. And then I thought, who's going to take care of Meha?"

Meha was her son's horse.

The medical board did discipline Dr. Bittle in 1994, but not for the two death cases. He was cited for not performing sufficient follow-up visits on nine geriatric patients. The board ordered him to take courses in risk management and record keeping.

In 2000, the board acted again, this time over numerous questions about Dr. Bittle's prescribing of narcotics. A review of his medical records, investigators said, showed that he had overprescribed addictive drugs to 49 patients.

The board placed him on probation.

Dr. Bittle, 42, recently moved from Sanger and now lives in Lubbock. He did not respond to requests for comment.

Mrs. Stanley still cares for her son's horse on her land near Ponder.

Looking for a pattern

Even the best doctors make mistakes, and almost no one – including the most aggressive of plaintiffs' lawyers – suggests that a physician should lose his license for a catastrophic but solitary error.

"Where's the public benefit in there?" said board president Anderson. "That looming horror is what every doctor lives with."

Dr. Anderson and other board members say they are more concerned with weeding out physicians who demonstrate a pattern of problems.

But the task of defining and identifying patterns has sometimes proved elusive.

Dr. Jasbir Ahluwalia of Stephenville had been sued by a husband and wife who alleged that he caused severe and permanent brain damage to their child during delivery. At 6 years, the boy was determined to have the mental functioning of a 4-week-old.

Dr. Ahluwalia settled the suit in 1989 for more than \$1.3 million.

In the course of the suit, lawyers for the couple raised questions about the quality of Dr. Ahluwalia's medical training, much of which he received in Uganda.

The medical board took no action.

In March 1991, a Dallas woman sued him, accusing the doctor of perforating her uterus during an abortion. As a result, surgeons had to remove her uterus.

That same year, another Dallas woman sued him. She, too, said he perforated her uterus during an abortion.

Dr. Ahluwalia settled both suits in 1993. The medical board took no action on either one.

In 1995, he was sued by an Erath County woman on whom Dr. Ahluwalia had performed a hysterectomy. She alleged that he mistakenly blocked a ureter with stitches. So severe were the complications that, four months later, another surgeon had to remove her kidney.

Had she known of Dr. Ahluwalia's prior problems, patient Linda Runnels said recently, "I wouldn't have used him for sure."

Her suit was settled. The medical board took no action.

In 1996, Dr. Ahluwalia finally felt the state's regulatory wrath.

The medical board said it acted because Dr. Ahluwalia had lost his privileges at Harris Methodist Erath County Hospital. The privileges had been pulled because he "failed to adequately manage various high-risk pregnancies."

No mention was made of the lawsuits, and the discipline was minimal.

Board members voted to require him to take 50 hours of continuing medical education and keep adequate patient records. And he was ordered to subscribe to the journal *Obstetrics and Gynecology*.

Also, the board said, he must read it.

Dr. Ahluwalia, 63, still practices gynecology in Stephenville. He did not respond to requests for comment.

Decade of tolerance

Some physicians can extend the board's tolerance over more than a decade.

Dr. Jerry Wayne Biddix had his first encounter with the board in 1988. He had lost his privileges at two East Texas hospitals and was facing questions about his treatment of 12 patients.

One had been improperly committed to a psychiatric hospital. Four of them sued him for malpractice. Another had died during an arthroscopic knee operation.

"The allegations were basically, I guess, that somehow the surgery caused the ... anesthesia death," Dr. Biddix recalled in a deposition for an unrelated case.

The board ordered Dr. Biddix to stop performing surgeries but allowed him to maintain a general practice. "At that point I'd already given up surgery, so it was no big deal," Dr. Biddix said in the deposition.

By 1991, he had moved to Winters, about 200 miles southwest of Dallas, and was working at hospital emergency rooms in the region.

In 1996, he was in trouble again. A man who had been in a motorcycle accident came to the emergency room at Dyess Air Force Base in Abilene. Dr. Biddix, the board said, failed to take his blood pressure, determine whether he had worn a helmet or ask whether he had lost consciousness.

He also discharged the man without performing a neurological exam or ordering X-rays.

Two days later, the board said, the patient was hospitalized by different doctors for "extensive wound care." He spent six days in the hospital.

As a result, the Air Force revoked Dr. Biddix's hospital privileges.

The state board wasn't quite so harsh; it ordered him to take and pass a standardized medical knowledge exam.

Also in 1996, Dr. Biddix was sued by the family of a woman who had been taken to a hospital emergency room in Winters. The woman suffered from severe head pain, nausea and elevated blood pressure.

The suit alleged that Dr. Biddix, who was the physician on call, would not get out of bed and come to the hospital to treat the woman.

She died of an aneurysm hours later. The suit was settled out of court. In a deposition, a hospital nurse testified that on at least three other occasions, Dr. Biddix refused to come to the emergency room to treat sick or injured patients.

The medical board did nothing.

But in 2000, the board accused Dr. Biddix of mishandling another patient.

The patient had diabetes and coronary artery disease. Dr. Biddix neglected to perform timely lab tests or diagnostic exams, the board said.

For five years, the board said, Dr. Biddix treated the patient chiefly by prescribing pain-killing narcotics. The symptoms did not improve in the course of such unconventional therapy.

In late 2000, a board attorney filed additional papers saying the agency was investigating "other claims of improper conduct" against Dr. Biddix.

And there it ended. Twenty-one months later, the board has taken no further action. His name was included on a recent list of abandoned cases that the board plans to revive.

Dr. Biddix, 56, remains in practice in Winters. He did not return telephone calls seeking comment.

Confidential inquiries

Every complaint against a doctor is confidential. So are investigations, and deliberations on discipline are conducted in closed sessions. It is impossible, therefore, for outsiders to know how diligently a probe has been pursued.

In the case of Dr. Jack Franklin Hardwick of Fort Worth, witnesses were ready to talk, but no one from the board wanted to listen.

Dr. Hardwick had been accused in four lawsuits of refusing to refer seriously ill patients to specialists, because the referrals would cut into the bonus he received from his HMO.

His former nurse, Rosemary Dudley, said in a sworn affidavit in 1999 that he "indicated to me that he refused to send patients out for necessary referrals to specialists because of the effects ... on him financially."

Ms. Dudley herself had a history of breast and thyroid cancer, and was a patient of Dr. Hardwick's. She sued him in 1998, alleging that he discontinued her visits to an oncologist despite blood tests that indicated a recurrence of cancer.

When he finally relented and referred her to a specialist, Ms. Dudley said, malignancies were found in her lungs and bones. She died last year at 68.

Her daughter, Gail Dudley, said her mother complained to the state board, "but we never got the impression they were interested."

Fort Worth attorney George Parker Young said he told the state board he had "at least seven or eight" former patients of Dr. Hardwick's who were willing to talk.

One was Jerry Batson. He said Dr. Hardwick diagnosed pneumonia in his 70-year-old wife, Pauline, in 1997. Days later, the doctor pronounced the pneumonia "all gone" and refused to put her in a hospital for additional tests, Mr. Batson said.

She died several months later of lung cancer.

"He was just trying to make money at other people's expense," Mr. Batson said of the doctor. Mr. Batson said he was willing to tell the board his story, but no investigator ever contacted him.

Others had similar accounts. "I gave the board their names," said Mr. Young, the Fort Worth lawyer. "I offered to hunt these folks down for them. What's really egregious is that the board didn't follow up."

Last year, the board took up Dr. Hardwick's case. It cited him for his treatment of an 11-year-old who had to be hospitalized after the doctor missed his case of diabetic ketoacidosis, a life-threatening condition.

The board also found that he "failed to meet the appropriate standard of care" with one of the patients who had sued him – a woman whose bowel cancer went undetected because Dr. Hardwick did not order the proper tests.

No mention was made of any of the other patients, or of any financial incentive related to referrals. The board ordered Dr. Hardwick to have his practice monitored by another physician and to pay a \$5,000 fine.

Dr. Hardwick, 69, did not respond to requests for comment. He remains in practice in Fort Worth.

New campaign

Dr. Patrick, the executive director of the medical examiners' board, said he could not address cases that unfolded before he took charge of the agency last fall. He stressed that the board had launched a consumer protection campaign with an emphasis on rooting out physicians who should not be practicing.

On July 19, for example, a board panel issued a temporary suspension of Arlington surgeon Roland F. Chalifoux Jr. Such an action is taken in advance of further board deliberation when a doctor's practice is believed to constitute a continuing threat to the public welfare.

The board accused Dr. Chalifoux of injuring 18 patients from 1997 to 2000. One of them was brain dead after an "inappropriate" procedure during cranial surgery, the board said.

Late last year, the board also issued a temporary suspension of Dr. Billy R. Ringer of Houston. The 36-page list of allegations against Dr. Ringer included:

- He is addicted to narcotics.
- He has injured numerous patients during penis enlargement surgery. In one patient's post-operative records, the complaint said, "there are a series of photographs showing a twisted, s-shaped, curved, scarred penis."
- Many of his breast augmentation patients have suffered serious infections and complications.
- He has had brain surgery, and several employees resigned because they feared he would suffer a seizure while operating on a patient.
- He repeatedly injected narcotics into his girlfriend's groin. An abscess developed, and "this may lead to the amputation of her leg."

Dr. Ringer did not respond to a telephone call, and his lawyer, Ace Pickens, declined to comment.

Much of the damage Dr. Ringer is accused of inflicting on patients might have been avoided. The state could have put his license on ice long ago but refused to do so.

Eight years ago, a board attorney drew up a formal complaint accusing Dr. Ringer of botching several surgeries and molesting female patients. One patient alleged that he bit her breast.

In addition, at least 12 malpractice suits had been filed against him between 1991 and 1993, causing his insurance company to cancel his coverage. And he had resigned from a Houston hospital "while under investigation for quality-of-care issues."

But after a 1994 hearing, a three-member medical board panel voted unanimously not to take any action against Dr. Ringer.

"There is insufficient evidence," explained one panel member at the time, that Dr. Ringer "is a real and present danger to the health of his patients."

Those, however, were the old days. This, board members say, is a new era, as seen in their pledge in May to renew their commitment to protect the public.

On the same day they adopted that pledge – in fact, only a few hours later – board members encountered the matter of Dr. Dennis B. Dove.

Dr. Dove used to practice in Broward County, Fla. Since 1998, he has been a professor and chairman of the surgery department at the Texas Tech University Health Sciences Center at Amarillo. After holding a teaching faculty permit, he applied for a Texas medical license.

Here is his malpractice history in Florida, according to that state's Department of Insurance records:

- A 49-year-old woman accused him of damaging her ureter during surgery for an ovarian cyst. Dr. Dove settled the suit in 1996 for \$125,000.
- A 31-year-old male patient alleged that the doctor partially cut the artery to his liver during gallbladder surgery. Dr. Dove settled the suit in 1996 for \$185,000.
- A 48-year-old man died, a lawsuit contended, after Dr. Dove failed to take him to the operating room for drainage of a pancreatic abscess. The suit was settled in 1997 for \$200,000.
- A 41-year-old woman died, a lawsuit alleged, because Dr. Dove did not diagnose a perforated peptic ulcer. It was settled in 1997 for \$238,000.
- A 61-year-old woman died, according to a suit, of complications from colon surgery. Dr. Dove settled in 1999 for \$205,000.

- And a 37-year-old woman alleged that Dr. Dove damaged her laryngeal nerve during thyroid surgery, leaving her with no voice. Her suit was settled in 2000 for \$300,000.

Dr. Dove, in a written response to questions from the *News*, said that settlement of the cases had been directed by his insurance carrier. "It was cheaper for them to settle than to ... risk the unpredictable verdict of the jury," he said.

The Florida state medical board reviewed each occurrence, he said, and "my medical practice in each of these six cases was deemed to be appropriate."

Dr. Dove added that he practiced in a region that "was made notorious for its litigious excesses."

When he appeared before the Texas board, Dr. Dove brought a personal reference with him to the licensure committee – Dr. Steven Berk, dean of the Amarillo medical school.

"He [Dr. Berk] said he would let Dr. Dove operate on his own family," executive director Patrick said.

The full board, on the cusp of its new era, approved his license unanimously, without public discussion or debate.