

IN THE MATTER OF  
DALE W. ANDERSON DPM

97-002

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BEFORE THE TEXAS STATE  
BOARD OF PODIATRIC  
MEDICAL EXAMINERS

SITTING IN AUSTIN

LICENSE NO. 0368

TRAVIS COUNTY, TEXAS

**AGREED BOARD ORDER**

BE IT REMEMBERED that on \_\_\_\_\_, came on to be considered the allegations against Dale Anderson D.P.M. By letter dated March 17, 1997, the Texas State Board of Podiatric Medical Examiners gave preliminary notice to Dr. Anderson of its intent to investigate complaints, concerns, or reports filed against him. Dr. Anderson was duly notified of the allegations against him. Dr. Anderson has cooperated with the Board.

This order is executed under the authority of the Podiatric Medical Practice Act of Texas, Tex. Rev. Civ. Stat. Ann., Art. 4573d, which allows contested cases to be resolved informally. Dr. Anderson, agrees to waive his rights to a formal hearing on this matter upon the signing of this order.

Dr. Anderson agrees to the following order and agrees to the findings of fact, the conclusion of law and the order set out herein:

**FINDING OF FACT**

1. Dr. Anderson is licensed as a podiatric physician in the State of Texas by the Texas State Board of Podiatric Medical Examiners (License Number 0368) to practice podiatric medicine in the State of Texas and is therefore subject to the jurisdiction of the Texas State Board of Podiatric Medical Examiners and the Podiatric Medical Practice Act and associated.
2. A complaint was filed against Dr. Anderson and he was provided with an opportunity to respond to the complaint and to show compliance with the law.
3. Dr. Anderson, as a podiatrist licensed in the State of Texas, must comply with the provisions of the Texas Podiatric Medical Practice Act of Texas, the applicable rules and Board Orders.
4. After discussion of the matters outlined in this Order, and subsequent communications between Dr. Anderson and Board Staff, the Board and Dr. Anderson, in order to avoid the expense, delay and uncertainty of a hearing, have agreed to the entry of an Agreed Order, dispensing with the need for further action in this matter. By his signature on the Order, Dr. Anderson does hereby waive his right to a formal hearing before the State Office of Administrative Hearings, and judicial review of the Order.
5. Dr. Anderson used pedographs, x-rays, and examinations to evaluate foot pain for [REDACTED] and he diagnosed bunion deformities.
6. Pedographs and x-rays do not show a bunion deformity.
7. X-rays pre-operatively show an IM angle of 10 degrees for the left and right foot. The HA angle is 11 degrees for the left foot and 14 degrees for the right foot. These angles are not consistent with a bunion deformity requiring a metatarsal osteotomy.
8. Pedographs show excessive pressure beneath the second, third, and fourth metatarsal heads of the feet.
9. Surgeries performed were bunionectomies with metatarsal osteotomies and second metatarsal osteotomies on 12-8-94.
10. The surgery resulted in severe pain beneath the third and fourth metatarsal heads.
11. Patient had pain until Dr. Cook prescribed metatarsal bars for her shoes in July 1995.

CONCLUSIONS OF LAW

1. Dr. Anderson is required to follow the provisions of the Podiatric Medical Practice Act, Tex. Civ. Stat. Ann., Art. 4567, et. seq., and associated rules of the Board.
2. Art. 4573 (b) and Ch. 376, 22 Tex. Admin. Code provides for the disciplining of a licensee who violates this Board's statute and/or rules.
3. Dr. Anderson misdiagnosed [REDACTED] as having a bunion in violation of the Podiatric Medical Practice Act, Tex. Rev. Civ. Ann., Art. 4570(d)(16) and Section 375.2(a) of Title 22 of the Texas Administrative Code.
4. Dr. Anderson performed a surgery on [REDACTED] that was unnecessary in violation of the Podiatric Medical Practice Act, Tex. Rev. Civ. Ann., Art. 4570(d)(16) and Section 375.2(a) of Title 22 of the Texas Administrative Code.
5. Dr. Anderson performed a surgery that resulted in unnecessary pain for his patient in violation of the Podiatric Medical Practice Act, Tex. Rev. Civ. Ann., Art. 4570(d)(16) and Section 375.2(a) of Title 22 of the Texas Administrative Code.

ORDER

THEREFORE, PREMISES CONSIDERED, This orders that Dr. Anderson is to pay a \$2,500.00 (two thousand five hundred dollars) fine to the Texas State Board of Podiatric Medical Examiner, and Dr. Anderson agrees to the following:

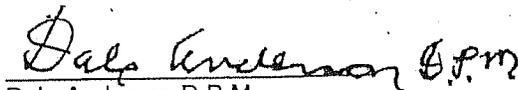
1. Dr. Anderson has completed 12 hours CME.
2. Dr. Anderson shall complete an additional 12 hours of CME in Surgical Seminars in a one year period commencing on the date this Order is signed by both parties.

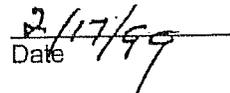
The seminar hours completed and the additional 12 hours of CME are not to be included in the regular amount of CME that Dr. Anderson otherwise is required to complete.

***This order does not prohibit the Texas State board of Podiatric Medical Examiners from exercising its regulatory functions.***

I, Dale Anderson D.P.M., have read and understand the foregoing Agreed Order. I understand that by signing, I waive certain right to a formal hearing before the State Office of Administrative Hearings and judicial review of this order. I signed it voluntarily.

I understand this agreed order contains the entire agreement between the parties and there is no other agreement of any kind, verbal, written, or otherwise. **THIS ORDER IS A PUBLIC RECORD.**

  
Dale Anderson D.P.M.

  
Date

STATE OF TEXAS

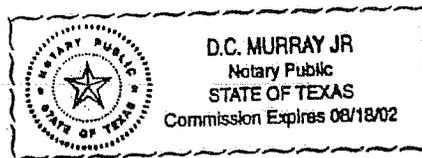
COUNTY OF Dallas

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BEFORE ME, on this day personally appeared Dale Anderson D.P.M. known to be who first being duly sworn, signed the foregoing Agréed Order in my presence.

SIGNED on this the 17 day of February, 1999.

David C Murray JR  
D.C. Murray Jr  
Printed Name of Notary Public



D.C. Murray Jr  
Notary Public, in and for the State  
of Texas

SIGNED AND ENTERED by the Presiding Officer of the Texas State Board of Podiatric Medical Examiners on this the 17 day of February, 1999.

W. Preston Goforth DPM  
W. Preston Goforth, D.P.M.,  
President, Texas State Board of  
Podiatric Medical Examiners

18TH DAY OF FEBRUARY, 1999