



# TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS



Allen M. Hymans  
Executive Director  
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Wednesday, April 04, 2001

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Dr Robert Darrigan DPM  
3702 22<sup>nd</sup> Place  
Lubbock TX 79410

Dear Dr. Darrigan:

This letter will confirm that the Agreed Order between yourself and this Board that was effective from March 13, 1996 through March 13, 2001 has expired and is no longer in effect. As you will recall, this Order was initiated for the purpose of monitoring your compliance with taking certain medication(s) prescribed for you by your physician.

You have, throughout the five-year timeframe of the Agreed Order, been fully compliant with all of the Order's requirements. You remained in periodic communication with my office to keep me updated on your compliance and made every effort to ensure that the requisite doctor's follow-up reports on your medical status were always received by us in a timely manner. You have complied in every way possible with the Order and with and in the spirit of the Order.

Please know that your license to practice podiatric medicine in Texas remains in good standing.

Sincerely,

Allen M. Hymans, N.C.I.  
Executive Director

IN THE MATTER OF  
ROBERT DARRIGAN, D.P.M.

LICENSE NO. 838

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BEFORE THE TEXAS STATE  
BOARD OF PODIATRIC  
MEDICAL EXAMINERS

SITTING IN AUSTIN

TRAVIS COUNTY, TEXAS

AGREED ORDER

BE IT REMEMBERED that on October 20, 1995, came on to be considered the allegations against Robert Darrigan, D.P.M. By letter dated October 4, 1995, the Texas State Board of Podiatric Medical Examiners gave preliminary notice to Dr. Darrigan of its intent to investigate complaints, concerns, or reports filed against him. Dr. Darrigan was duly notified of the allegations against him. Dr. Darrigan has cooperated with the Board and presented information in rebuttal.

An informal conference was held between the parties on October 20, 1995, and with Dr. Darrigan and the following representatives of the Texas State Board of Podiatric Medical Examiners in attendance: Mr. Allen Hymans, Executive Director; Peter Williams, D.P.M., Board Member, Thomas Garrison, D.P.M., Board Member; Janie Alonzo, Administrative Assistant, and Janet Monteros and Melissa Juarez, Assistant Attorneys General.

By his appearance at the informal conference and by his signature on this Order, and upon acceptance and entry of this Order by the Board, Dr. Darrigan does hereby waive his right to a formal hearing before the State Office of Administrative Hearings, and judicial review of this Order.

After discussion of the matters outlined in this Order, and subsequent communications, the Board and Dr. Darrigan, in order to avoid the expense, delay and uncertainty of hearing, have agreed to the entry of an order dispensing with the need for further action in this matter.

Dr. Darrigan agrees to the following order for the purpose of this proceeding only, and he agrees to the findings of fact, the conclusions of law, and the order set out herein:

## FINDINGS OF FACT

1. Dr. Darrigan is licensed as a podiatrist in the State of Texas with License Number 838.
2. Dr. Darrigan, as a podiatrist licensed in the State of Texas, must comply with the provisions of the Podiatry Practice Act, the applicable rules, and Board orders.
3. Dr. Darrigan was medically required to take certain medication in order to maintain even temperament, rational judgment, and mental clarity.
4. When Dr. Darrigan complies with the prescription and treatment of his treating physician and internist, he is able to practice within the regular scope of his license.
5. In a single case in December, 1994, and as a result of Dr. Darrigan's failure to take his medication as prescribed to him, he took four and one half hours to conduct a 30-minute operative procedure on a patient that was under general anesthesia.
6. Keeping a patient under general anesthesia for an unduly prolonged period of time may endanger the health and welfare of a patient.

## CONCLUSIONS OF LAW

1. Dr. Darrigan's act of practicing podiatry after having failed to take his medication as prescribed by his treating physician and internist endangered the safety and welfare of his patient, and was in violation of the Texas Podiatry Practice Act .

Tex. Civ. Stat. Ann., Art. 4570 (15) and (16) (Vernon 1995), and section 375.2 of Title 22 of the Texas Administrative Code.

2. Dr. Darrigan's act of taking four and one half hours to conduct a 30-minute operation was not in compliance with the standard of care for the practice of podiatry, in violation of the Texas Podiatry Practice Act, Tex. Civ. Stat. Ann., Art. 4570 (15) and (16) (Vernon 1995), and section 375.2 of Title 22 of the Texas Administrative Code.

ORDER

THEREFORE, PREMISES CONSIDERED, This orders that Dr. Darrigan's license be placed under probated suspension for five (5) years. During the period of this probation, Dr. Darrigan, agrees as follows:

1. Dr. Darrigan shall designate in writing his treating physician and internist and shall ensure that his treating physician and internist will report directly to the Department as indicated below. The designated treating physician must be a physician approved by the Board. The treating physician every three (3) months and the internist once a year will report directly to the Board, with the first reports being sent to the Board no later than March 1, 1996. The Board acknowledges that it has received the first reports due on March 1, 1996. The treating physician and internist shall certify that to the best of the reporters' knowledge and based upon personal observation of Dr. Darrigan's condition, Dr. Darrigan continues to take his medication as prescribed. The reports shall also include the reporter's opinion as to Dr. Darrigan's progress, and shall indicate whether there have been any changes in dosage or frequency of dosage or change in treatment. If after two years of reporting, the treating physician believes that reporting is required less often, the treating physician's report may be submitted once a year. The reporting ordered above shall continue regularly until such date as the treating physician and the internist agree that Dr. Darrigan no longer needs to take medication or receive treatment, at which time the treating physician and internist shall submit a final report indicating that Dr. Darrigan no longer needs to take medication or receive treatment to keep his condition satisfactory and stable. The final report shall include an assessment as to Dr. Darrigan's ability to continue to practice podiatry.

2. Dr. Darrigan shall ensure that committee at St. Mary's Hospital, in Lubbock, that is monitoring Dr. Darrigan shall submit to the Board quarterly reports concerning the committee's assessment of Dr. Darrigan's condition and his ability to practice podiatry.

3. Dr. Darrigan will obey and abide by all laws, rules, and applicable orders of the Board.

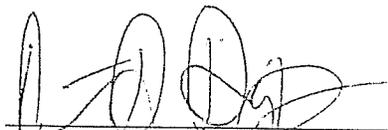
4. Dr. Darrigan agrees that practicing podiatry without following the treatment regimen as prescribed by his designated treating physician constitutes a danger to the safety and the welfare of his patients and constitutes a failure to practice podiatry in an acceptable manner consistent with the public health and welfare.

5. Dr. Darrigan agrees that failure of the Board to receive a regular report within 30 days of when it is due constitutes a violation of this Order and may result in a hearing and that the hearing may result in revocation of the probation and the imposition of other disciplinary action. The Board represents that there are no informal or formal complaints pending or in its files that are potentially deemed to violate this probation as of the date of signature.

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

I, Robert Darrigan, D.P.M., have read and understand the foregoing Agreed Order. I understand that by signing, I waive certain rights to a formal hearing before the State Office of Administrative Hearings and judicial review of this order. 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. **THIS ORDER IS A PUBLIC RECORD.**

  
Robert Darrigan, D.P.M.

3, 13, 96  
Date

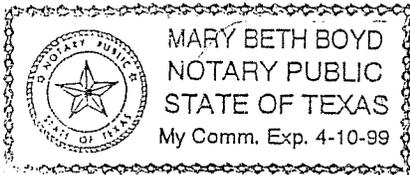
STATE OF TEXAS

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COUNTY OF Lubbock

BEFORE ME, on this day personally appeared Robert Darrigan, D.P.M. known to me, who, first, being duly sworn, signed the foregoing Agreed Order in my presence.

SIGNED on this the 13<sup>th</sup> day of March, 1996.



Mary Beth Boyd  
Printed Name of Notary Public

Mary Beth Boyd  
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 28 day of MARCH, 1996.

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