

**IN THE MATTER OF
GREGSON EDWARDS, D.P.M.**

**BEFORE THE TEXAS STATE
BOARD OF PODIATRIC
MEDICAL EXAMINERS**

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SITTING IN AUSTIN,

LICENSE No. 0840

TRAVIS COUNTY, TEXAS

AGREED ORDER

BE IT REMEMBERED that on the date approved and entered below came to be considered the allegations against Gregson Edwards, DPM. By letters dated June 6, 1997 and September 24, 1999 the staff of the Texas State Board of Podiatric Medical Examiners (the "Board") gave preliminary notice to Dr. Edwards of its intent to investigate complaints, concerns or reports filed against him. Dr. Edwards was duly notified of the allegations against him. Dr. Edwards has cooperated with the staff of the Board and was given the opportunity to present information in rebuttal at an informal conference held on December 5, 2001, and attended by Dr. Edwards, accompanied by his lawyer, Tony Cobos.

By his signature on this Order, and upon acceptance and entry of this Order by the Board, Dr. Edwards does hereby waive his right to an administrative hearing before the State Office of Administrative Hearings, and judicial review of this Order. Dr. Edwards understands that he has the option, before signing this Agreed Order, to participate in a contested case hearing under the *Administrative Procedure Act*.

The Board and Dr. Edwards, in order to avoid the expense, delay and uncertainty of a hearing, have agreed to the entry of an order dispensing with the need for further action in this matter. Dr. Edwards agrees to this Order for the purpose of resolving this proceeding only and without admitting or denying the Findings of Fact and Conclusions of Law set out in this Order. The Board makes the following Findings of Fact and enters this order:

FINDINGS OF FACT

1. Dr. Edwards is licensed as a podiatric physician in the State of Texas (License Number 0840) to practice podiatric medicine and is therefore subject to the jurisdiction of the Board, the Podiatric Medical Practice Act of Texas and the rules of the Board.
2. Complaints were filed against Dr. Edwards, and he was provided with notice of the complaints and with an opportunity to respond to the complaints and to show compliance with the law.

3. Dr. Edwards, as a podiatrist licensed in the State of Texas, must comply with the provisions of the Podiatric Medical Practice Act of Texas, the Board rules and Board orders.
4. Mrs. [REDACTED], was a patient of Dr. Edwards.
5. The patient/decedent underwent outpatient surgery on September 20, 1996 at Brownsville SurgiCare Facility for fasciotomy of left heel (to release the plantar fascia attachments to left heel).
6. At the time Dr. Edwards ordered the surgery of the left heel spur, the summarized medical diagnoses of the patient/decedent was: 1) End Stage Renal Diseases Secondary to Diabetes, 2) Diabetes for 27 years, 3) Peritoneal Dialysis (hemodialysis), 4) Severe Peripheral Vascular Disease, 5) Hypertension.
7. Dr. Edwards failed to meet the standard of care in regard to Ms. [REDACTED] in that he failed to: a) adequately document her chart, her history and progress; b) adequately perform presurgery workup including evaluation and clearance by an internist, nephrologist, or vascular surgeon; c) adequately obtain presurgery lab work, including CBC, comprehensive metabolic panel, and hepatitis tests; d) obtain presurgery x-rays and Doppler studies. Dr. Edwards' decision to perform surgery on this patient was not within the standard of care based upon the patient's history and the above failures. Dr. Edwards contends he in fact obtained presurgical clearance from an internist, Dr. Preston Ukoli.
8. Subsequent to the patient's surgery, she required additional hospitalization. She also developed sepsis. She later expired March 7, 1997, ostensibly from sepsis. It is disputed as to whether the sepsis developed from Dr. Edwards' surgical site or from another source. Furthermore, Dr. Edwards contends that the patient's family was an intervening factor in ensuring continued aftercare.

CONCLUSIONS OF LAW

1. Dr. Edwards is required to follow the provisions of the podiatric medical practice act, Texas Occup. Code, §202.001, et. seq., and the associated rules of the Board, 22 Tex. Admin. Code § 371.1, et. seq..
2. Dr. Edwards failed to properly evaluate and subsequently treat his patient, Mrs. [REDACTED], prior to surgery.
3. Tex. Occup. Code §202.501(a) provides that, "the Board shall revoke or suspend a license; place on probation a person whose license has been suspended, or reprimand a license holder for violating the law regulating the practice of podiatry or a rule adopted by the board."
4. Tex. Occup. Code, §202.5015 provides that a license holder who engages in conduct described by Section 202.253 violates this chapter.
5. 22 Tex. Admin. Code §376.1(a)(1) provides that, "any podiatric physician who violates any provision of these rules, or any provision of the Act shall be at the discretion of the Board subject to the following penalties: cancellation, suspension, revocation, or probated cancellation, revocation, or suspension of the license to practice podiatric medicine."
6. The Findings Of Fact numbers 1 through 8 establish that Dr. Edwards violated: (a) §202.253(16) of the Texas Occup. Code in that he failed: to practice podiatry in an acceptable manner consistent with public health and welfare.

(b)22 *Tex. Admin. Code §375.2(a)* provides: "The health and safety of patients shall be the first consideration of the podiatric physician. The principal objective of the podiatric medical profession is to render service to humanity. A podiatric physician shall continually strive to improve his medical knowledge and skill for the benefit of his patients and colleagues. The podiatric physician shall administer to patients in a professional manner and to the best of his ability. Secrets and personal information entrusted to him shall be held inviolate unless disclosure is necessary to protect the welfare of the individual or the community. A podiatric physician shall be temperate in all things in recognition that his knowledge and skill are essential to public health, welfare, and human life."

ORDER

1. Dr. Edwards' license to practice podiatric medicine is hereby Suspended for a term of 10 years, commencing on the day after the order is entered by the Board. The entire suspension is probated except for a continuous 30 day period to commence on a date agreed to by the parties, but no later than 6 months after this order becomes effective.

During the 30-day non-probated portion of the suspension:

2. Dr. Edwards' podiatric practice is to remain closed for the purposes of receiving, diagnosing, treating, or consulting with patients, and Dr. Edwards may not participate for income in any professional activity that is directly related to the diagnosis or treatment of a patient. Dr. Edwards may refer his patients to another practitioner for treatment or consultation during the term of the non-probated suspension, but Dr. Edwards shall not derive any income from such referrals.
3. Dr. Edwards may keep his office open for the purposes of arranging referrals, handling mail, processing accounts, billing, and insurance matters, and other similar matters if not directly related to the diagnosis and treatment of patients. Dr. Edwards shall not offer and shall not accept to consult with, diagnose or treat a patient.
4. If Dr. Edwards shares office space with a podiatrist, the other podiatrist shall be allowed to continue his practice normally, but Dr. Edwards shall not consult regarding the diagnosis or treatment of patients and shall not share income with the other practitioner, including any income derived in any way from the diagnosis or treatment of patients.
5. Dr. Edwards shall train in an approved postgraduate training program at the University of Texas Health Science Center – San Antonio that focuses on general medical issues, including history and physicals, pre-operative medical evaluations, vascular, neuro- and diabetic-ulcer care, and fore-foot surgery. Dr. Edwards shall attend the training five (5) days per week. Dr. Edwards shall submit a report no later than 30 days after the end of the course to the Board regarding his performance in the residency program, indicating the main topics studied or observed during the month.

Throughout the probated portion of the suspension:

6. Dr. Edwards shall complete an additional fifteen (15) hours of Continuing Medical Education every year in addition to the hours already required by law, including attendance every-other-year at the diabetic foot seminar, sponsored by the University of Texas Health Science Center – San Antonio. Four (4) of the fifteen (15) hours shall consist of ethics courses. At least two (2) of the four (4) hours of ethics shall be courses provided by the Texas Podiatric Medical Association.
7. Dr. Edwards shall attend a postgraduate continuing education course as offered by the Podiatry Institute in Tucker, Georgia. Those courses are 4 day seminars with extensive hands on training and education (and approximately 32-50 hours of CME).
8. Dr. Edwards shall consult with and obtain a concurring written second opinion from another Texas-licensed podiatrist regarding proposed surgery, prior to scheduling a surgery for a patient. Dr. Edwards shall conduct a history-and-physical on all patients that are candidates for surgery and shall adequately document it and shall share the information with the consulting podiatrist as part of the process of obtaining the second opinion. Not more than ten (10) days prior to performing surgery on any patient, Dr. Edwards shall complete a pre-operative report. Dr. Edwards will include information in the pre-operative report as required on a case-by-case basis, using the appropriate standard of care and his best medical judgment. Dr. Edwards shall ensure that an M.D., who is an internist or family practitioner, shall conduct a history-and-physical prior to admitting a patient to the hospital for surgery.
9. Dr. Edwards shall submit a written report to the Board on a quarterly basis, with the reports due January 10, April 10, July 10, and October 10 of each year. The report shall be in spreadsheet format and shall identify the number of invasive procedures (i.e. cutting of skin, soft tissue, ligaments and/or bone) performed, the facility at which they were performed, the number of second opinions requested and the number received, the number of pre-operative reports completed and the number of history-and-physicals performed and documented. If the numbers reported indicate that more procedures are reported than the number of the other matters reported, the report will contain an explanation for the discrepancy. Dr. Edwards shall ensure that the report shows the progression of services to at least 5 patients. Dr. Edwards shall enclose with the report at least one (1) example for each five (5) documents that Dr. Edwards completes or receives of the following: second opinions Dr. Edwards has received, the pre-operative reports he has completed, and any history and physicals he has performed and documented during the quarter being reported. If less than five (5) surgeries are performed or less than five (5) documents for any category are created or received during the quarter, all of the surgeries will be reported and the documents for that category will be provided. Samples submitted in support of the reports shall be indexed and

tabbed for ease of review by the Board.

10. Dr. Edwards will attend the first Board meeting of each calendar year to briefly report about his progress during suspension. The Board staff shall inform Dr. Edwards of the meeting date upon his request prior to each meeting. If he is unable to attend a particular meeting as required, Dr. Edwards shall inform the Board staff prior to the meeting date.
11. Dr. Edwards shall permit a Board investigator or staff member to periodically enter his place of business and/ or the facility at which he previously maintained an office, announced or unannounced, during the hours of 8:00 a.m. to 5:00 p.m. on any weekday that is not a federal holiday to ensure compliance with this order.
12. Dr. Edwards shall pay a fine of \$5,000.00 (Five Thousand Dollars and no/100) fully due and payable within 180 (one-hundred eighty) days after the effective date of this Agreed Order.
13. The terms of this **Agreed Order**, if accepted by the Board, become effective upon approval of the Board.
14. Entry of this Order shall finally resolve any and all pending matters or investigations before the Board, including the Texas Medical Foundation ("TMF") matters and recommendations as reflected in TMF documentation sent to the Board, prior to the effective date of this Order.
15. If Dr. Edwards fully complies with the terms of the **Agreed Order**, the Board agrees not to bring any further disciplinary action regarding the facts that are the subject of this Order.

GENERAL PROVISIONS

1. Effective Date. This **Agreed Order** shall take effect and become binding upon the approval by the Board.
2. No Waiver. No waiver of any of the terms of this **Agreed Order** shall be valid unless in writing. No waiver of default of any terms of the **Agreed Order** shall be deemed a waiver of any subsequent breach or default of the same or similar nature.
3. Governing Law. This Agreed Order is entered into pursuant to and shall be construed to be in accordance with the laws of the State of Texas including *Tex. Occup. Code Ann., §202.001 et. seq., the Podiatric Medical Practice Act.,* and the *Tex. Gov't Code Ann., §2001.001 et seq., the Administrative Procedure Act.*
4. Acknowledgment of Entire Agreement. Dr. Edwards acknowledges that he has carefully read this instrument, including all documents or exhibits, if any, that

are referred to, that this instrument expresses the entire agreement between the parties concerning the subjects it purports to cover, and Dr. Edwards has executed this instrument freely and of his own accord.

- 5. Notice. Any notice to be given under the terms of this **Agreed Order** by either party to this order shall be in writing and shall be delivered by personal delivery or certified mail, return receipt requested, to the following addresses:

Dr. Gregson Edwards
2814 Boca Chica, Suite A
Brownsville, TX 78520

Texas State Board of Podiatric Medical Examiners
P.O. Box 12216
Austin, TX 78711-2216

- 6. Upon approval of this Agreed Order by the Board, the Presiding Officer and the Executive Director are authorized to sign the Order on the Board's behalf.

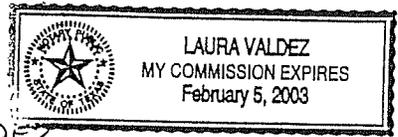
I, GREGSON EDWARDS, DPM, HAVE READ AND UNDERSTAND THE FOREGOING ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE THE RIGHT TO A HEARING BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AND TO JUDICIAL REVIEW OF THE AGREED ORDER. I SIGN IT VOLUNTARILY. I UNDERSTAND THE AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, ORAL, WRITTEN OR OTHERWISE.

[Signature] _____ Date _____
Gregson Edwards

IN THE STATE OF TEXAS §
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COUNTY OF Texas §

BEFORE ME, on this day personally appeared Gregson Edwards known to me, who first, being duly sworn, signed the foregoing **Agreed Order** in my presence.

SIGNED on this the 5 day of September, 2002.



LAURA VALDEZ
(Printed Name of Notary Public)
[Signature]
Notary Public, in and for the State of Texas

APPROVED AND ENTERED by the Texas State Board of Podiatric Medical Examiners on this the 25th day of September, 2002, after a Board vote.

[Signature]
Donald W. Falknor, D.P.M.
Board President

[Signature]
Allen M. Hymans
Executive Director