

TSBPME Case No. 04-121

IN THE MATTER OF  
VERDON J. PETERS, D.P.M.

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BEFORE THE TEXAS STATE  
BOARD OF PODIATRIC  
MEDICAL EXAMINERS

SITTING IN AUSTIN,

LICENSE No. 0491

TRAVIS COUNTY, TEXAS

AGREED ORDER

BE IT REMEMBERED that on the date approved and entered below came to be considered the allegations against Verdon J. Peters, DPM. By letter dated June 10, 2004 and October 13, 2004 the staff of the Texas State Board of Podiatric Medical Examiners (the "Board") gave preliminary notice to Dr. Peters of its intent to investigate complaints, concerns or reports filed against him. Dr. Peters was duly notified of the allegations against him. Dr. Peters has cooperated with the staff of the Board and was given the opportunity to present information in rebuttal.

By his signature on this Agreed Order, and upon acceptance and entry of this Agreed Order by the Board, Dr. Peters does hereby waive his right to an administrative hearing before the State Office of Administrative Hearings, and judicial review of this Agreed Order. Dr. Peters 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. Peters, 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. Peters agrees to this Agreed Order for the purpose of resolving this proceeding only. The Board makes the following Findings of Fact and Conclusion of Law and enters this order:

FINDINGS OF FACT

1. Dr. Peters is licensed as a podiatric physician in the State of Texas (License Number 0491) 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. Dr. Peters, 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
3. Complaints were filed against Dr. Peters, 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. The Board was unable to substantiate the filed complaint allegations.
4. The Board found no evidence of substandard patient treatment (i.e. wound care); the Board received no patient complaints.

5. Subsequent to an on-site investigation by the Board, failure to ensure that adequate records for certain patients were maintained, to document the delegation by a supervising Medical Doctor or Doctor of Osteopathic Medicine of the administration of hyperbaric oxygen therapy treatment for wound care relative to conditions beyond the scope of practice for podiatric medicine in the State of Texas were noted.
6. The Wound Care and Hyperbaric Center at Wilson Memorial Hospital, located in Floresville, TX, is a part of the hospital campus/setting . The Center provides a viable and necessary medical service for those patients in need of wound care in a rural/county setting away from a major metropolitan area (San Antonio, TX).
7. Dr. Peters is appropriately registered with the Board as being qualified to provide Hyperbaric Oxygen Therapy treatments of the foot with certification through the Undersea and Hyperbaric Medical Society.
8. The Board recognizes that the approach to Hyperbaric Oxygen Therapy treatments at the Wound Care and Hyperbaric Center at Wilson Memorial Hospital in Floresville, TX involves multiple disciplines (utilizing Medical Doctors, Doctors of Osteopathic Medicine, Doctors of Podiatric Medicine), which is the standard of care there.
9. Dr. Peters, staff at Wilson Memorial Hospital and staff at the Wound Care and Hyperbaric Center have fully cooperated with the Board's investigation.

### CONCLUSIONS OF LAW

1. Dr. Peters is required to follow the provisions of the Podiatric Medical Practice Act, Texas Occupations Code, §202.001, et. seq., and the associated Rules of the Board, 22 Tex. Administrative Code § 371.1, et. seq.
2. Texas Occupations Code, §202.253(a)(4) provides that, "the board may refuse to issue a license to practice podiatry to a person, for engaging in grossly unprofessional or dishonorable conduct of a character that in the board's opinion is likely to deceive or defraud the public."
3. Texas Occupations Code, §202.253(a)(5) provides that, "the board may refuse to issue a license to practice podiatry to a person, for directly or indirectly violating or attempting to violate this chapter or a rule adopted under this chapter as a principal, accessory, or accomplice."
4. Texas Occupations Code, §202.253(a)(16) provides that, "the board may refuse to issue a license to practice podiatry to a person, for failing to practice podiatry in an acceptable manner consistent with public health and welfare."
5. Texas Occupations 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."
6. Texas Occupations Code, §202.5015 provides that a license holder who engages in conduct described by Section 202.253 violates this chapter.
7. 22 Texas Administrative Code, §375.2(b) provides that, "a licensed podiatric physician shall conduct his practice on the highest plane of honesty, integrity, and fair dealing."
8. 22 Texas Administrative 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.”

9. 22 Texas Administrative Code, §376.11 provides that, “the Board may conduct office inspections of a podiatric practice pursuant to a written complaint, in order to properly investigate the allegations being made by the complainant, or to allow for the proper investigation of new information developed during the investigation of the original complaint. Common allegations justifying the need for an office inspection may include, but are not limited to any violation(s) of the Board's Rules or Statute, such as improper medical record keeping, safety and hygiene issues, illegal use or dispensing of prescription drugs, failure to account for drugs dispensed or administered, drug diversion or abuse and insurance fraud including Medicaid/Medicare billing.”
10. The Findings Of Fact numbers 1 through 9 establish that Dr. Peters violated: *22 Tex. Admin. Code §375.11(a)*, which provides in part: All podiatric physicians shall make, maintain, and keep accurate records of the diagnosis made and the treatment performed for and upon each of his or her patients for reference and for protection of the patient.

### ORDER

1. Dr. Peters is hereby issued a private reprimand.
2. Dr. Peters shall ensure that all medical records of hyperbaric oxygen therapy treatments beyond the scope of practice for podiatric medicine in the State of Texas document the delegation by a supervising Medical Doctor or Doctor of Osteopathic Medicine.
3. Entry of this Order shall finally resolve any and all pending matters of investigations before the Board.
4. The terms of this **Agreed Order**, if accepted by the Board, become effective upon such acceptance.
5. If Dr. Peters 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.

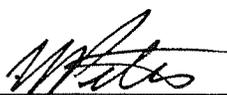
4. Acknowledgment of Entire Agreement. Dr. Peters acknowledges that he has carefully read this instrument, including all documents or exhibits, if any, that are referred to, that this instrument expresses the entire agreement between the parties concerning the subjects it purports to cover, and Dr. Peters 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:

Verdon Peters, DPM  
Wound Care & Hyperbaric Oxygen Center  
Wilson Memorial Hospital  
1301 Hospital Blvd.  
Floresville, TX 78114

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, VERDON J. PETERS, 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.**

  
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Verdon J. Peters, DPM

11/9/04  
Date

IN THE STATE OF TEXAS

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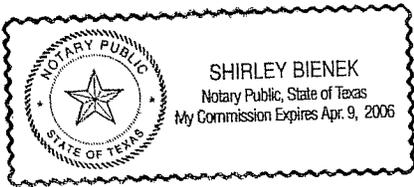
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COUNTY OF WILSON

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

SIGNED on this the 9<sup>th</sup> day of November 2004.



SHIRLEY BIENEKE  
(Printed Name of Notary Public)

Shirley Bieneke  
Notary Public, in and for the State of Texas

APPROVED AND ENTERED by the Texas State Board of Podiatric Medical Examiners on this the 15<sup>th</sup> day of NOVEMBER, 2004, after a Board vote.

Bradford W. Glass  
Bradford W. Glass, D.P.M.  
Board President

Jim Zukowski  
Jim Zukowski Ed.D.  
Executive Director