

TSBPME Case No. 03-118

IN THE MATTER OF
JEFFREY RICKEN, D.P.M.

AGREED ORDER

LICENSE No. 0672

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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 the date approved and entered below came to be considered the allegations against Jeffrey Ricken, DPM. By letter dated July 29, 2003 the staff of the Texas State Board of Podiatric Medical Examiners (the "Board") gave preliminary notice to Dr. Ricken of its intent to investigate complaints, concerns or reports filed against him. Dr. Ricken was duly notified of the allegations against him. Dr. Ricken has cooperated with the staff of the Board and was given the opportunity to present information in rebuttal.

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

FINDINGS OF FACT

1. Dr. Ricken is licensed as a podiatric physician in the State of Texas (License Number 0672) 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. Ricken, 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. Ricken, 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. Dr. Ricken saw the patient beginning on 09/04/02 with complaints of pain outside of both feet.
5. Dr. Ricken diagnosed patient with bilateral Tailor's bunions, bilateral 2nd-5th

- hammertoes with bursitis, and “bent big toes.”
6. Dr. Ricken performed surgery on all 10 toes, totaling 12 surgical procedures.
 7. Dr. Ricken performed all surgical procedures in an office setting using minimal incision surgery techniques with no evidence of fixation of the osteotomies.
 8. From 09/30/2002 through 02/20/2003, 8 postoperative visits were performed.
 9. During postoperative care, physician notes vary in patient’s complaints of pain.

CONCLUSIONS OF LAW

1. Dr. Ricken 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)(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.”
3. 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.”
4. Texas Occupations Code, §202.5015 provides that a license holder who engages in conduct described by Section 202.253 violates this chapter.
5. 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.”
6. The Findings Of Fact numbers 1 through 9 establish that Dr. Ricken violated Texas Occupations Code, §202.253(a)(16).

ORDER

1. Dr. Ricken shall complete an additional ten (10) hours of Continuing Medical Education in addition to the thirty (30) hours already required by law. The ten (10) hours shall consist of risk management offered by the American Podiatric Medical Association or the American Medical Association, or their state component associations, and shall be completed by October 31, 2007. Proof of completion of the additional hours shall be submitted to the board in the form of authorized certificates by November 30, 2007. Failure to meet this requirement shall subject Dr. Ricken to additional disciplinary action.
2. Dr. Ricken’s license to practice podiatric medicine is hereby Suspended for a term of three months.
3. The entire Suspension is Probated conditional upon Dr. Ricken’s compliance with the statutes and rules of the Board.
4. Dr. Ricken agrees to ensure that he shall not use any title, degree, letter, syllable or word that would lead any entity to believe that he is a Medical Doctor.

5. Entry of this Order shall finally resolve any and all matters or investigations before the Board pending as of the date this Order is approved by the Board.
6. The terms of this Agreed Order, if accepted by the Board, become effective upon approval of the Board.
7. If Dr. Ricken 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.
8. Failure to comply with all the terms of this order will subject Dr. Ricken to further and additional disciplinary and enforcement action.

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 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 *Tex. Gov't Code Ann., §2001.001 et seq., the Administrative Procedure Act.*
4. Acknowledgment of Entire Agreement. Dr. Ricken 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. Ricken 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. Jeffrey Ricken, DPM
13130 Sunrise Creek Lane
Sugarland, Texas 77478

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, JEFFREY RICKEN, 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.

Jeffrey Ricken, DPM.
Jeffrey Ricken, DPM

1/7/06
Date

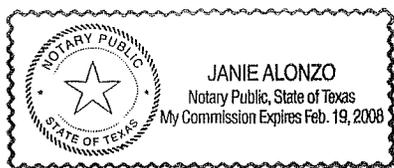
IN THE STATE OF TEXAS §

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COUNTY OF Travis §

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

SIGNED on this the 7th day of January, 2006.



Notary without Bond
Notary Public Seal

Janie Alonzo
(Printed Name of Notary Public)

Janie Alonzo
Notary Public, in and for the State of Texas

APPROVED AND ENTERED by the Texas State Board of Podiatric Medical Examiners on this the 10th day of February, 2006, after a Board vote.

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

Hemant Makan
Hemant Makan
Executive Director