

IN THE MATTER OF  
STEVEN J. STANTON, D.P.M

ADVERTISING

LICENSE No. 1673

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BEFORE THE TEXAS STATE  
BOARD OF PODIATRIC  
MEDICAL EXAMINERS

SITTING IN AUSTIN,

TRAVIS COUNTY, TEXAS

TEXAS PODIATRIC  
MEDICAL EXAMINERS

JUN 07 2005

RECEIVED

AGREED ORDER

BE IT REMEMBERED that on the date approved and entered below came to be considered the allegations against Steven J. Stanton, DPM. By letter dated May 20, 2005 the staff of the Texas State Board of Podiatric Medical Examiners (the "Board") gave preliminary notice to Dr. Stanton of its intent to investigate complaints, concerns or reports filed against him. Dr. Stanton was duly notified of the allegations against him and was given the opportunity to present information in rebuttal and to show compliance with the law. Dr. Stanton has cooperated with the staff of the Board.

By his signature on this Order, and upon acceptance and entry of this Order by the Board, Dr. Stanton does hereby waive his right to an administrative hearing before the State Office of Administrative Hearings, and judicial review of this Order. Dr. Stanton 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. Stanton, 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. Stanton 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 Conclusions of Law and enters this order:

FINDINGS OF FACT

1. Dr. Stanton is licensed as a podiatric physician in the State of Texas (License Number 1673) 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. Stanton, 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. Stanton, 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. Stanton maintains a practice located at 7087 Highway 6 North; Houston, TX; 77095.
5. The front glass window of Dr. Stanton's practice identifies/advertises the name of another licensed practitioner, in addition to "Steven J. Stanton, DPM and the following specialty board designation "Diplomate, American Board of Podiatric Surgery, Board Certified in Foot Surgery."
6. The statement, "Diplomate, American Board of Podiatric Surgery," is false and misleading because Dr. Stanton is not listed as such after conducting a website verification through the American Board of Podiatric Surgery.

### CONCLUSIONS OF LAW

1. Dr. Stanton 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, §202.253(a)(6) provides that, "the board may refuse to issue a license to practice podiatry to a person, for using any advertising statement of a character tending to mislead or deceive the public."
4. 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."
5. Texas Occupations Code, §202.5015 provides that a license holder who engages in conduct described by Section 202.253 violates this chapter.
6. 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."
7. 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, or suspension of the license to practice podiatric medicine."
8. The Findings Of Fact numbers 1 through 6 establish that Dr. Stanton violated:
  - (a) **Texas Occupations Code, §202.253(a)(6), which provides in part:** The board may refuse to issue a license to practice podiatry to a person, for using any advertising statement of a character tending to mislead or deceive the public.
  - (b) **22 Tex. Admin. Code §375.3(a), which provides in part:** A podiatric physician may advertise. A podiatric physician shall not, however, use or participate in the use of any publication, including advertisements, news stories, press releases, and periodical articles, that contains a false, fraudulent, misleading, deceptive, scientifically unsupported or generally unaccepted, or unfair statement or claim.

(c) 22 Tex. Admin. Code §375.3(e), which provides in part: A podiatric physician may advertise or publish the name of any board of certification under which the podiatric physician has fully and validly become certified provided, however, that: (1) The full name of the certifying board is included in the publication; that is, no advertisement or publication may include the bare phrase "board certified", or the like; (2) It shall be the duty of each podiatric physician to timely ascertain before publication of any such advertisement or public communication whether the certifying board he wished to advertise is in fact approved or recognized by the Council of Podiatric Medical Education of the American podiatric Medical Association.

### ORDER

1. Dr. Stanton shall pay a fine of \$500.00 (Five Hundred Dollars and no/100) fully due and payable within 60 (sixty) days after the effective date of this Agreed Order.
2. Dr. Stanton shall immediately remove or correct the advertisement/identification for all future purposes to remain in compliance with the Podiatric Medical Practice Act of Texas and the Associated Board Rules.
3. Entry of this Order shall 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. Stanton 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

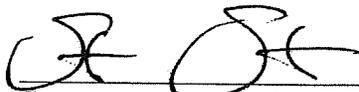
1. Effective Date. This **Agreed Order** shall take effect and become binding upon the approval by the Board.
2. No Waiver. No waiver of any of the terms of this **Agreed Order** shall be valid unless in writing. No waiver of default of any terms of the **Agreed Order** shall be deemed a waiver of any 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. Stanton 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. Stanton 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:

Steven J. Stanton, DPM  
7087 Highway 6 North  
Houston, Texas 77095

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, STEVEN J. STANTON, 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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Steven J. Stanton, DPM

5/31/05  
Date

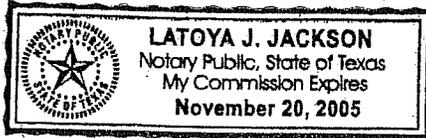
IN THE STATE OF TEXAS §

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COUNTY OF Harris §

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

SIGNED on this the 31 day of May, 2005.



Latoya J. Jackson  
(Printed Name of Notary Public)

Latoya J. Jackson  
Notary Public, in and for the State of Texas

APPROVED AND ENTERED by the Texas State Board of Podiatric Medical Examiners on this the 8th day of August, 2005, after a Board vote.

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

Jim Zukowski, Ed.D.  
Jim Zukowski, Ed.D.  
Executive Director