

**TSBPME Case No. 04-071**

**IN THE MATTER OF  
PETER VANNUCCHI, D.P.M.**

**AGREED ORDER**

**LICENSE No. 0464**

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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 Peter Vannucchi, DPM. By letter dated March 15, 2004, the staff of the Texas State Board of Podiatric Medical Examiners (the "Board") gave preliminary notice to Dr. Vannucchi of its intent to investigate complaints, concerns or reports filed against him. Dr. Vannucchi was duly notified of the allegations against him. Dr. Vannucchi 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. Vannucchi hereby waives his right to an administrative hearing before the State Office of Administrative Hearings, and judicial review of this Order. Dr. Vannucchi 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. Vannucchi, 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. Vannucchi 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. Vannucchi is licensed as a podiatric physician in the State of Texas (License Number 0464) 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. Vannucchi, 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. Vannucchi, 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. Vannucchi saw the patient repeatedly over 18 office visits.
5. Dr. Vannucchi provided treatment and billed the insurance carrier for services that he was not qualified to provide.

6. In a letter dated 07/22/04, this agency was informed that Dr. Vannucchi fully refunded the insurance carrier the entire amount of payments made by the insurance carrier.
7. During the period of time Dr. Vannucchi saw the patient, he did not properly identify himself as a Doctor of Podiatric Medicine.
8. During the same period of time, Dr. Vannucchi was treating the patient for a lumbar ailment clearly outside the scope of his practice for podiatric medicine in the State of Texas.

### CONCLUSIONS OF LAW

1. Dr. Vannucchi 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, §202.001(4) provides that, “‘Podiatry’ means the treatment of or offer to treat any disease, disorder, physical injury, deformity, or ailment of the human foot by any system or method. The term includes podiatric medicine.”
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, §202.501(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, §375.1(2) provides that, “The foot is the tibia and fibula in their articulation with the talus, and all bones to the toes, inclusive of all soft tissues (muscles, nerves, vascular structures, tendons, ligaments and any other anatomical structures) that insert into the tibia and fibula in their articulation with the talus and all bones to the toes.”
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, revocation, or suspension of the license to practice podiatric medicine.”
8. The Findings Of Fact numbers 1 through 8 establish that Dr. Vannucchi violated: *Texas Occupations Code, §202.253(a) (4)* in that he engaged in grossly unprofessional or dishonorable conduct of a character that in the board's opinion is likely to deceive or defraud the public.  
*Texas Occupations Code, §202.253(a)(16)* in that he failed: to practice podiatry in an acceptable manner consistent with public health and welfare.
9. The Findings Of Fact numbers 1 through 8 establish that Dr. Vannucchi violated: *22 Texas Administrative Code §375.2(a)*, which 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.”

10. The Findings Of Fact numbers 1 through 8 establish that Dr. Vannucchi violated: *Texas Occupations Code, §202.253(a)(5)* in that he: directly or indirectly violated or attempted to violate this chapter or a rule adopted under this chapter as a principal, accessory, or accomplice.

### ORDER

1. Dr. Vannucchi shall pay an administrative penalty of \$2,500.00 (Two Thousand and five-hundred Dollars and no/100) fully due and payable within 90 (ninety) days after the effective date of this Agreed Order.
2. Dr. Vannucchi shall complete an additional five (5) hours of Continuing Medical Education in addition to the thirty (30) hours already required by law. The five (5) hours shall consist of ethics courses offered by the Texas Podiatric Medical Association or the Texas Medical Association, and shall be completed by 10/31/2006. Proof of completion of the additional hours shall be submitted to the board in the form of authorized certificates by 11/30/2006.
3. Dr. Vannucchi will be required to sit for and successfully complete the jurisprudence examination developed and administered by the board; at a date determined by the Board.
4. 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.
5. The terms of this Agreed Order, if accepted by the Board, become effective upon approval of the Board.
6. If Dr. Vannucchi 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.
7. Failure to comply with all the terms of this order will subject Dr. Vannucchi 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.*

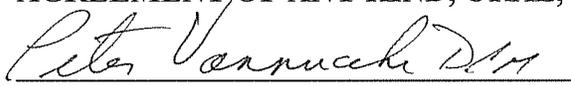
4. Acknowledgment of Entire Agreement. Dr. Vannucchi acknowledges that he has carefully read this instrument, including all documents or exhibits, if any, that are referred to, that this instrument expresses the entire agreement between the parties concerning the subjects it purports to cover, and Dr.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

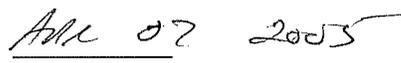
Dr. Peter Vannucchi, DPM  
East Lake Medical Building  
10611 Garland Road, Suite 202  
Dallas, TX 75218

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, PETER VANNUCCHI, 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.**

  
Peter Vannucchi, DPM

  
Date

IN THE STATE OF TEXAS §

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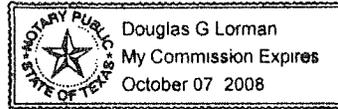
COUNTY OF DALLAS §

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

SIGNED on this the 7<sup>th</sup> day of APRIL, 2005.

DOUGLAS G. LORMAN  
(Printed Name of Notary Public)

Douglas G Lorman  
Notary Public, in and for the State of Texas



APPROVED AND ENTERED by the Texas State Board of Podiatric Medical Examiners on this the 2nd day of May, 2005, after a Board vote.

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

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