

IN THE MATTER OF	§	BEFORE THE
	§	
THE LICENSE OF	§	TEXAS STATE BOARD
	§	
CHARLES R. MABRAY, M.D.	§	OF MEDICAL EXAMINERS

AGREED ORDER

On this the 17 day of August, 1996, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of Charles R. Mabray, M.D. ("Respondent"). On July 18, 1996, Respondent appeared in person with counsel, Lawrence Temple, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Charles W. Monday, Jr., M.D., a member of the Board, and Ann L. Nolen, D.O., a district review committee member. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, Charles R. Mabray, M.D., holds Texas medical license D-3325.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. Respondent has been licensed to practice medicine in Texas for approximately thirty (30) years.
4. From approximately 1992 through 1995, Respondent provided thyroid medications to various female patients without adequate baseline testing, and without adequate follow-up testing and assessment.
5. Respondent reports implementing practice changes to address the matters set forth in the preceding finding of fact.

6. Respondent has cooperated with Board staff in the investigation of the allegations related to this Agreed Order.

7. Respondent has entered into this Agreed Order pursuant to the provisions of Sections 4.02(h) and (i) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b.

8. Respondent has not previously been the subject of disciplinary action by the Board.

9. During his thirty-year career, Respondent has been the subject of only one malpractice suit related to an obstetrics case.

10. So as to avoid the expense and inconvenience of litigating the allegations, in lieu of further investigation or a hearing, Respondent agrees to the entry of this Agreed Order, and further agrees to comply with the terms and conditions set forth herein.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes the following:

1. Respondent has violated Section 3.08(4)(E) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

2. Section 4.02(h) of the Act authorizes the Board to resolve and make a disposition of this matter through an agreed order.

3. Section 4.02(i) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Civil Evidence for purposes of civil litigation.

4. Section 4.12 of the Act authorizes the Board to take action in regard to Respondent and Respondent's medical license as set forth

below.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that this Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and that Respondent is hereby reprimanded.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, CHARLES R. MABRAY, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 25 July, 1996



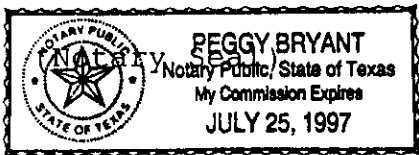
CHARLES R. MABRAY, M.D.
RESPONDENT

STATE OF TEXAS
COUNTY OF VICTORIA

§
§
§

BEFORE ME, the undersigned Notary Public, on this day personally appeared CHARLES R. MABRAY, M.D., known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 25th day of July, 1996.



Peggy Bryant
Signature of Notary Public

PEGGY BRYANT
Printed or typed name of Notary Public

My commission expires: 7-25-97

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 17 day of August, 1996.

William H. Fleming, III, M.D.
William H. Fleming, III, M.D.
President, Texas State Board of
Medical Examiners