

IN THE MATTER OF

THE LICENSE OF

LOUIS FERNAND FABRE, JR., M.D.

BEFORE THE

TEXAS MEDICAL BOARD

MEDIATED AGREED ORDER

On the 10th day of October, 2006, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Louis Fernand Fabre, Jr, M.D. ("Respondent").

On September 13, 2006, Respondent appeared in person, with counsel Ace Pickens, at a mediation before the State Office of Administrative Hearings. Dinah Brothers represented Board staff. The Board's representative was Elvira Pascua- Lim, M.D., a member of the Board.

Upon the 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 Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.

2. Respondent currently holds Texas Medical License No. D-5986. Respondent was originally issued this license to practice medicine in Texas on August 27, 1969. Respondent is also licensed to practice in Arkansas and Virginia.

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology.

4. Respondent is 65 years of age.

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

6. Respondent performs medication clinical trials for pharmaceutical companies and enlisted V.Z.(deceased), a forty-seven year old male, to participate in a clinical trial for the drug Clozaril.

7. The complaint filed in this matter contains allegations of fact and law to which there are bona fide disputes. The execution of this mediated settlement is not an admission of any fact or conclusion of law and Respondent specifically denies all allegations of wrongdoing. However, to resolve this matter and all matters which were or could have been raised arising out of the matters which are the subject of the formal complaint Respondent agrees to the entry of this Order and to voluntarily comply with such.

8. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas.

#### CONCLUSIONS OF LAW

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

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.053(a)(8) of the Act authorizes the Board to take disciplinary action against a physician if found guilty of failure to supervise adequately the activities of those acting under Respondent's supervision.

3. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.

4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

5. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

## ORDER

Based on the above Findings of Fact and Conclusions of Law, Respondent agrees to and the Board ORDERS that:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. For a period of one year, Respondent shall have an independent protocol supervisor who shall ensure that Respondent conducts research in full accordance with its protocols. This independent protocol supervisor shall provide written reports quarterly to the Board. This provision shall be extended if unfavorable reports are received by the Board.

3. Respondent shall have all research protocols approved by two Institutional Review Boards ("IRB"), one of which may be the IRB of Houston, Texas (Human Investigation Committee of Houston, Texas). The second IRB shall be approved in advance by the Board.

4. Within twelve months from the entry of this Order, Respondent shall enroll in and successfully complete a course in medical records of at least ten hours in duration and a course in risk management of at least ten hours in duration. These courses shall be approved for Category I Credits by the American Medical Association or by the American Osteopathic Association.

5. Respondent shall pay an administrative penalty in the amount of \$5,000 within 120 days of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Director of Compliance for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

6. The time period of this Order shall be extended for any period of time that (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent's license is subsequently canceled for nonpayment of licensure fees, or (c) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and

subsequent return to Texas. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the extended Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension.

7. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

8. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

9. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within ten days of the address change. This information shall be submitted to the Permits Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

10. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that ten days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30 day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

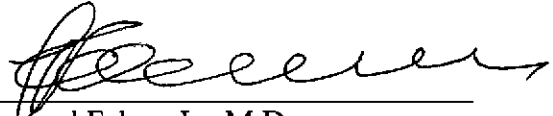
11. This Order shall terminate without further Board action upon successful completion of the required continuing medical education, payment of the administrative penalty and the lapse of one year from the date of the entry of this Order.

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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

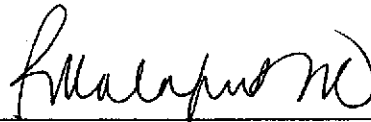
I, LOUIS FERNAND FABRE, JR., M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 9-13, 2006.



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Louis Fernand Fabre, Jr., M.D.  
Respondent

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 6th day of October, 2006.



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Roberta M. Kalafut, D.O., President  
Texas Medical Board