

LICENSE NO. J-0470

IN THE MATTER OF
THE LICENSE OF
PIETER JUAN DE WET, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

MEDIATED AGREED ORDER

On the 9 day of December, 2005, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Pieter Juan De Wet, M.D. ("Respondent").

On April 29, 2005, Respondent appeared in person, with counsel, Tim Weitz, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Sherry Statman represented Board staff. The parties were unable to reach a resolution at that time and the matter was scheduled for mediation. Paulette Southard, member of the Board, represented the Board at Mediation. Prior to the mediation, the matter was settled. 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. J-0470 Respondent was originally issued this license to practice medicine in Texas on December 4, 1991. Respondent is not licensed to practice in any other state.

3. Respondent is primarily engaged in the practice of family practice. Respondent is board certified in this specialty by the American Board of Medical Specialties.

4. Respondent is 44 years of age.

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

6. Respondent placed an ad in the *Longview News-Journal* concerning the benefits of chelation therapy. The ad quoted seminar materials that stated that chelation could possibly unblock vessels and allow a patient to avoid bypass surgery.

7. Respondent did not write the ad and did not intend for it to be misleading or create unreasonable expectations.

8. Mitigating factors include that Respondent was contrite, that there was not patient harm and no intent to deceive, and Respondent has published subsequent advertising which is appropriate.

9. 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. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

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. Board Rule 164.3 authorizes the Board to take action if a physician has disseminated or caused the dissemination of any advertisement that is in any way false, deceptive, or misleading.

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, the Board ORDERS that:

1. Respondent shall pay an administrative penalty in the amount of \$1000 within 60 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.

2. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice. Upon payment of the administrative penalty, this order shall automatically expire.

3. 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).

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, PIETER JUAN DE WET, 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: 12-2, 2005.


Pieter Juan De Wet, M.D.
Respondent

STATE OF TEXAS

COUNTY OF SMITH

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
2 day of DECEMBER, 2005.

Carolyn Sue Pulis
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
9 day of December, 2005.

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