

LICENSE NO. E-1329

IN THE MATTER OF  
THE LICENSE OF  
ROBERT E. HANSON, JR., M.D.

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On this the 11<sup>th</sup> day of April, 2008, came on to be heard before the Texas Medical Board ("the Board"), duly in session the matter of the license of Robert E. Hanson, Jr., M.D. ("Respondent").

By the signature of Respondent on this Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to TEX. OCC. CODE, Title 3, Subtitle B, §164.004 and 22 TEX. ADMIN. CODE, §187.18 and all rights pursuant to TEX. GOV'T CODE, §2001.051 and §2001.054, including, but not limited to the right to notice and hearing, and instead agrees to the entry of this Order to resolve the matters addressed in this Order. Harry Deckard represented Board Staff.

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. E-1329. Respondent was originally issued this license to practice medicine in Texas on August 18, 1973. Respondent is also licensed to practice in Georgia.

3. Respondent is primarily engaged in obstetrics and gynecology. Respondent is board certified in this specialty by the American Board of Obstetrics & Gynecology, a member of the American Board of Medical Specialties.

4. Respondent is 69 years of age.

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

6. The Respondent is a consultant for Whole Women's Health of Austin, L.P. (WWHB). His duties are to supervise various key employees to insure that WWHB complies with Texas Department of State Health Services (TDSHS) regulations relating to abortion facilities and abortion procedures.

7. On November 28, 2006, TDSHS conducted an on-site compliance visit to WWHB. The facility was found to be out of compliance with 25 T.A.C. Chapter 139, which is the compilation of TDSHS regulations relating to abortion facility reporting and licensing.

8. Specifically, WWHB was found to be in violation of 25 T.A.C §§139.8(b), 139.8(c), 139.24(b)(2), 139.46(3(B), and 139.48(1)(D), which includes: failure to have sufficient members on the Quality Assurance (QA) committee; failure to have quarterly QA meetings; failure to notify TDSHS of a change in administrator; failure to have a registered nurse on staff; and failure to have an emergency evacuation plan for disasters.

9. On October 26, 2007, WWHB entered into an Agreed Order with TDSHS assessing an administrative penalty of \$3,050 based on the violations found during the compliance visit.

10. 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. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

3. Section 164.053(a)(1) of the Act provides that for purposes of Section 164.052(a)(5), professional or dishonorable conduct likely to deceive or defraud the public includes conduct in which a physician commits an act that violates any state or federal law if the act is connected with the practice of medicine.

4. Section 139 of the Board rules address abortion facility reporting and licensing.

5. Section 164.053(a)(8) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to supervise adequately the activities of those acting under Respondent's supervision.

6. 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.

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

8. 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 \$1,000 within 30 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.

3. 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.

4. 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.

5. 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).

6. This Order will automatically terminate upon the successful completion of the requirements of Ordering Paragraph No. 1.

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, ROBERT E. HANSON, 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.

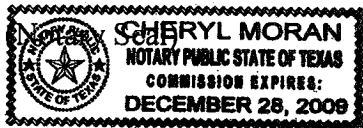
DATED: 2-19, 2008.

Robert E. Hanson  
ROBERT E. HANSON, JR., M.D.  
Respondent

STATE OF Texas §  
COUNTY OF Jefferson §  
§  
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 19 day of February, 2008.

Sheryl Moran  
Signature of Notary Public



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 11th day of April, 2008.

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