

E-5348

IN THE MATTER OF) (BEFORE THE
) (
THE LICENSE OF) (TEXAS STATE BOARD
) (
DALE VICTOR BAUMAN, M.D.) (OF MEDICAL EXAMINERS

AGREED ORDER

On this the 20th day of August, 1992, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of Dale Victor Bauman, M.D. ("the Respondent").

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:

FINDINGS OF FACT

1. Dale Victor Bauman, M.D., holds Texas medical license E-5348.
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. On or about January 29, 1992, Respondent entered into an Agreed Consent Order with the Louisiana State Board of Medical Examiners. Said Order is incorporated herein by reference for any and all purposes.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes Respondent has violated Article 4495b, Section 3.08(21), suspension, revocation, or restriction by another state of a license to practice medicine, or disciplinary action by the uniformed services of the United States, based upon acts by the licensee similar to acts described in this section. A certified copy of the record of the

state taking the action is conclusive evidence of it. This violation subjects Respondent to discipline under Section 4.12 of Article 4495b.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's license to practice medicine in Texas is suspended for three (3) years; however, the suspension is stayed and Respondent is placed on probation for three (3) years effective the date of the signing of this Order by the Board's presiding officer, under the following terms and conditions:

1. Upon request Respondent shall provide to the Texas Board copies of any reports he has submitted to the Louisiana Board. Respondent shall request in writing that the Louisiana Board provide the Texas Board with copies of any reports which Respondent does not have access to or which the Louisiana Board has generated. The Texas Board will, upon request, provide to the Louisiana Board whatever reports it desires.
2. Respondent shall comply with the terms and conditions of his Louisiana Board probation. If Respondent violates his probation with either the Texas or Louisiana Boards, the Texas Board, after affording Respondent notice and an opportunity to be heard, may terminate probation and revoke Respondent's Texas license.
3. Prior to practicing medicine in the State of Texas, Respondent shall appear before and receive approval from the Texas Board irrespective of any periods of suspension or probation imposed herein by this Order.
4. Respondent's Texas probation is independent of Respondent's Louisiana probation. Only the Texas Board may terminate or modify the Texas probation.

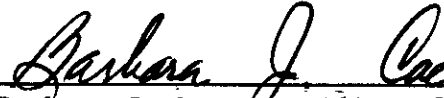
5. Respondent shall give a copy of this Order to all Hospitals and Health Care Entities where he has privileges.
6. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers, and other employees and agents, to verify that Respondent has complied and is in compliance with this Board Order.
7. Respondent shall advise the Board of any change of address, mailing or office, within (10) days of such occurrence.
8. Respondent shall comply with all the provisions of Article 4495b, Texas Revised Civil Statutes Annotated, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board.

Any violation of the terms, conditions and requirements of this Order shall constitute conclusive evidence of unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public within Section 3.08(4) of the Act, and may result in disciplinary action pursuant to Section 4.01(a) of the Act.

The above-referenced conditions of probation shall continue in full force and effect without opportunity for amendment, except for clear error in drafting for 12 months following entry of this Order. If, after the passage of the 12 month period, the Respondent wishes to seek amendment or termination of these conditions, then he may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition. Petitions for modifying or terminating may be filed only once a year thereafter.

In regard to all terms and conditions of this Agreed Board Order, Respondent waives any further hearings or appeal to the Board or to

SIGNED AND ENTERED this 20th day of August, 1992.



Barbara J. Coe, Presiding Officer
Texas State Board
of Medical Examiners

**BEFORE THE
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

In The Matter of:

DALE V. BAUMAN, M.D.
(CERTIFICATE NO. 04029R)

Respondent

NO. 90-I-051-B

CONSENT ORDER

An investigation conducted on behalf of the Louisiana State Board of Medical Examiners ("Board") has developed information which indicates that Dale V. Bauman, M.D. ("Dr. Bauman"), a physician licensed to practice medicine in the state of Louisiana and engaged in the practice of obstetrics and gynecology at all pertinent times in the Shreveport, Louisiana area, did not report an investigation and resulting restrictions on hospital staff privileges and, subsequently, the suspension of hospital staff privileges at a Louisiana hospital during the years 1985 and 1986, respectively. Such action against Dr. Bauman's privileges was predicated, in part, upon a review of his professional services rendered to one patient.

During the course of its investigation, the Board had two independent consultants, engaged in the same speciality as Dr. Bauman, review hospital charts of certain patients to whom Dr. Bauman had rendered professional services. As part of their report, it was the considered opinion of these consultants that Dr. Bauman's management of a patient on September 4, 1985, provided a reasonable basis for concern as to his professional competency.

Accordingly, based upon the foregoing, the Board has probable cause for filing a formal administrative complaint against Dr. Bauman, charging him with violations of the Louisiana Medical Practice Act, to-wit: LSA-R.S. §37:1285A(3) and LSA-R.S. §37:1285A(12).¹

Dr. Bauman, recognizing his right to have notice of the allegations and charges asserted against him, to administrative adjudication of such charges, pursuant to LSA-R.S. §§49:955-58, and to a final decision rendered upon findings of fact and conclusions of law, nonetheless, hereby waives his right to notice of the charges and formal adjudication thereof and, pursuant to LSA-R.S. §49:955D, consents to entry of

¹ LSA-R.S. §37:1285A provides that the Board may take action against a physician's license for:

(3) "[F]raud, deceit, or perjury in obtaining . . . [a] license;" or (12) "[P]rofessional or medical incompetency."

the Order set forth hereinafter. By his subscription hereto, Dr. Bauman also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose and to discuss with the Board the nature and results of the investigation.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer assigned to this matter, Ike Muslow, M.D., the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this State, pursuant to LSA-R.S. 37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by LSA-R.S. 37:1285 and LSA-R.S. 49:955D;

IT IS ORDERED that the license of Dale V. Bauman, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 04029R, shall be, and the same is hereby, **SUSPENDED** for a period of one (1) year;

IT IS FURTHER ORDERED that the foregoing suspension shall be, and the same is hereby, **SUSPENDED**. Nevertheless, Dr. Bauman's license to practice medicine in the state of Louisiana is, and the same shall be, placed on **PROBATION** for a period of three (3) years, from the date hereof, provided, however, that the suspension of the one (1) year suspensive period referred to hereinabove and Dr. Bauman's continuing exercise of the rights and privileges of his medical licensure, shall be conditioned upon his acceptance and strict compliance with the following terms, conditions and restrictions:

- (a) **All Surgical Cases on Hospitalized Patients to be Proctored/Reviewed:** During the three (3) year probationary period described hereinabove, all surgical cases on which Dr. Bauman is involved on hospitalized in-patients shall be reviewed by one or more physicians, approved by the Board, who shall be engaged in the practice of obstetrics and gynecology to ensure Dr. Bauman's medical competency in the management and care of said patients. It shall be Dr. Bauman's responsibility to submit the names of one or more physicians engaged in the practice of obstetrics and gynecology who will serve as his proctor and/or reviewing physician in compliance with this condition. It shall also be Dr. Bauman's responsibility to ensure that written reports are received from such proctoring physician(s), not less frequently than quarterly, indicating medical competency in his management of such patients. Presuming that the Board has not received any unsatisfactory reports from his proctoring physician(s) at the expiration of one (1) year from the effective date hereof, Dr. Bauman may petition the Board for relief, in whole or in part, from further compliance with this condition of licensure. The Board may, although it is not required to, entertain such a request and grant such relief as it may deem appropriate;

- (b) **Annual Participation in In-Depth Review Courses and Applying For and Taking Recertification Exam:** During the probationary period identified hereinabove, Dr. Bauman shall apply to take and pass the examination administered by the American Board of Obstetrics and Gynecology for recertification as a specialist in obstetrics and gynecology. Furthermore, during the probationary period Dr. Bauman shall enroll in and successfully complete an in-depth review course appropriate for recertification in this specialty each year, which course is to be approved by the Board. Dr. Bauman shall provide the Board with written notification of his successful completion of each such course;
- (c) **Monetary Fine:** Dr. Bauman shall pay the sum of THREE THOUSAND (\$3,000.00) DOLLARS to the Board within thirty (30) days from the effective date hereof; and
- (d) **Verification of Compliance/Probation Officer:** Dr. Bauman shall submit to the Board's Probationary Officer, or such other authorized representative, the identity of his proposed proctoring physician(s), his review courses and recertification activities, as well as all reports, and other documents, items or matters, including the monetary fine provided for herein, throughout the probationary period. Moreover, Dr. Bauman shall notify the Probationary Officer of his current personal and business addresses and telephone numbers, as well as any change thereof.

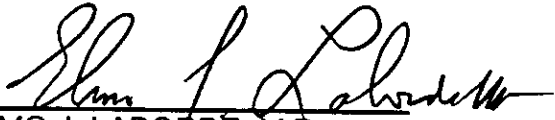
IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions of this Order by Dr. Bauman shall, upon proof of such violation or failure, be deemed adequate and/or sufficient cause, for the imposition of the suspension referred to hereinabove or for such other suspension and/or revocation of Dr. Bauman's license to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. 37:1285.

New Orleans, Louisiana, this 29 day of January, 1992.


LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:


ELMO J. LABORDE, M.D.
PRESIDENT

ACKNOWLEDGMENT AND CONSENT

I, DALE V. BAUMAN, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 22 day of January, 1992.



DALE V. BAUMAN, M.D.

REVIEWED AND APPROVED
AS TO FORM:



L. EDWIN GREER, ESQ.
Post Office Box 404
Shreveport, Louisiana 71162
(318) 222-0202
Attorney for Dale V. Bauman, M.D.

CERTIFIED TRUE COPY


Mrs. Delmar Rorison, Executive Director
Louisiana State Board of Medical Examiners

Date 01/14/92