

LICENSE NO.
E-3781

IN THE MATTER OF
THE LICENSE OF
TOMMY ERNEST SWATE, M.D.

BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

ORDER DENYING TERMINATION REQUEST

On the 3 day of June, 2005, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session, the matter of the license of Tommy Ernest Swate, M.D. ("Respondent").

On January 21, 2005, Respondent appeared in person, without counsel, before representatives of the Board to petition the Board for termination of an Order entered on March 2, 1996. The Board's representatives were Keith E. Miller, M.D., a member of the Board, and David W. Miller, a member of the District Review Committee. James Thomassen represented Board staff.

Upon the recommendation of the Board's representatives, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order.

FINDINGS OF FACT

A. Prior History:

On March 2, 1996, the Board entered an Order suspending Respondent's Texas medical license. The Board stayed the suspension and placed Respondent on probation for ten years under various terms and conditions. The Order was a result of allegations (1) of violations of DEA, FDA and Texas State Regulations in connection with the operation of methadone clinics in Houston, Texas, and (2) that Respondent failed to comply with all of the Terms of a 1993 Order of the Louisiana Board of Medical Examiners.

B. Current Status:

1. Respondent has requested the termination of the Order.

2. While the record of Respondent's activities since the 1996 Order is not complete, Board Representatives found Respondent to be generally in compliance with requirements of the Order. However, Respondent has not practiced medicine, except in periodic overseas missions, since 1997.
3. The Board representatives found that it would not be in the best interest of the public to grant Respondent's request to terminate the Order.

C. Recommendation:

Based on the above Findings of Fact and information available at the time of Respondent's appearance on November 5, 2004, the Board's Representatives recommended that Respondent's request that the Order be terminated be denied. The Board Representatives did encourage Respondent to apply for, and be accepted to, a residency program as a means of satisfying the Board that termination of the Order would be warranted.

CONCLUSIONS OF LAW

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

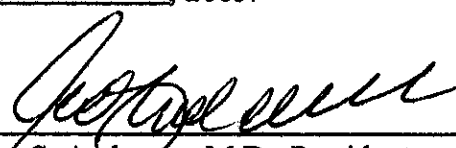
1. The Board has jurisdiction over the subject matter and Respondent pursuant to TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon 2004) (the "Act").
2. 22 TEX. ADMIN. CODE §187.43 authorizes the Board to consider petitions for Modification/Termination of Agreed Orders and Disciplinary Orders.

ORDER

Based on available information and the above Findings of Fact, Conclusions of Law and the recommendation of the Board's representatives, the Board ORDERS that Respondent's request for termination of the Order is hereby DENIED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 3 day of June, 2005.



Lee S. Anderson, M.D., President
Texas State Board of Medical Examiners