

TEXAS MEDICAL LICENSE NO. H9000

IN THE MATTER OF

THE LICENSE OF

RAYNALDO RIVERA ORTIZ, M.D.

BEFORE THE DISCIPLINARY

PANEL OF THE

TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION

(WITHOUT NOTICE OF HEARING)

On September 9, 2022, came to be heard before the Disciplinary Panel (Panel) of the Texas Medical Board (Board), composed of James DiStefano, D.O., Sherif Zafraan, M.D., and Sharon J. Barnes, members of the Board (Panel) duly in session, the matter of the Application for Temporary Suspension (WITHOUT NOTICE OF HEARING) of the license of Raynaldo Rivera Ortiz, M.D. (Respondent). Georgette Oden represented Board staff. Based on evidence submitted, the Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension (Without Notice of Hearing).

FINDINGS OF FACT

1. Respondent is a physician licensed to practice medicine in the State of Texas, License No. H9000. His license was initially granted by the Board on or around February 22, 1991.
2. Respondent practices medicine as an anesthesiologist in and around Dallas, Texas. On his public profile, Respondent lists anesthesiology as his specialty. He is not Board certified. Respondent is not licensed in any other state.
3. Respondent operates a group consultancy, Garland Anesthesia Consultants, located in Richardson, Dallas County, Texas.
4. Respondent's current Physician Profile indicate that his primary practice is located at 1721 Analog Dr., Richardson, Texas 75081.
5. Board Staff was informed that Respondent is the subject of an on-going criminal investigation relating to serious cardiac complications and one patient's death connected with Respondent's presence at the Baylor Scott & White Surgicare North Dallas facility (Surgicare)

from May through September, 2022.

6. Respondent was seen on surveillance footage in the Surgicare facility depositing single IV bags into the warmer in the hall outside the operating rooms. When he deposited an IV bag in the warmer, shortly thereafter a patient would suffer a serious complication.

7. On June 21, 2022, one fellow physician from Surgicare, Patient 1, took a tampered IV bag home with her when she was ill, to rehydrate. She inserted the IV into her vein at home and almost immediately had a serious cardiac event and died. The Dallas Medical Examiner's autopsy report in August 2022 concluded her death was caused by accidental bupivacaine toxicity.

8. Laboratory tests were run on IV bags from the warmer, which displayed visible tiny holes in the plastic wrap around the bags. These tampered bags contained bupivacaine but were not labeled as such.

9. Tests were run on the remaining contents from an IV bag that was given to another otherwise healthy patient who had a serious cardiac event during a routine surgery. The tests indicated that the IV fluid contained similar drugs that should not have been in the IV bag.

10. Such drugs could and would be fatal when administered unknowingly and intravenously.

11. On or about September 2, 2022, through social media posts and news media reporting Board staff learned of the death of Patient 1, Respondent's fellow physician, which occurred under questionable circumstances.

12. On September 8, 2022, in the late afternoon, Board staff received information from federal law enforcement engaged in an ongoing investigation. The information provided to the Board substantiated much of the information reported in the news media. That same day a Temporary Suspension hearing without notice was scheduled for less than 24 hours later, on September 9, 2022.

13. The Panel finds an imminent peril to the public health, safety, or welfare that requires immediate effect of this Order of Temporary Suspension on the date rendered.

14. The Panel grants Board Staff's Application for Temporary Suspension of Respondent's license. Panel adopts the Application for Temporary Suspension, With Notice, including the factual allegations and legal authority.

15. Respondent's continued practice of medicine poses a continuing threat to public welfare.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Panel concludes as follows:

1. Section 164.059 of the Act authorizes the temporary suspension or restriction of a person's medical license upon a determination by a Disciplinary Panel that the person would, by the person's continuation in practice, constitute a continuing threat to the public welfare.

2. Based on the evidence presented and the Findings of Fact set forth herein, the Disciplinary Panel finds that Respondent violated various sections of the Medical Practice Act and the Board Rules adopted thereunder, specifically:

- a. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent for committing an act prohibited by §164.052 of the Act.
- b. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent for failing to practice medicine in an acceptable professional manner consistent with public health and welfare, as defined by the following Board rules: 190.8(1)(A), failing to treat a patient according to the generally accepted standard of care; 190.8(1)(B), negligence in performing medical services; 190.8(1)(C), failing to use proper diligence in one's professional practice; and 190.8(1)(D), failing to safeguard against potential complications.
- c. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent for unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided in §164.053 of the Act, or injure the public, as defined by the following Board rules: 190.8(2)(R)(i), committing any felony whether or not there is an arrest, indictment, or conviction; and 190.8(2)(R)(iii), committing any criminal violation of the Act or other statutes regulating or pertaining to the practice of medicine.

- d. Section 164.053(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent for committing an act that violates any state or federal law if the act is connected with the physician's practice of medicine; specifically, 18 U.S.C. § 1365(a) (tampering with a consumer product and tampering with a consumer product causing death and/or serious bodily injury); 21 U.S.C. §§ 331(k) (doing of an act that results in a drug being adulterated while held for sale after shipment of the drug in interstate commerce), 333(b)(7) (intentional adulteration of a drug having a reasonable probability of causing serious adverse health consequences), and 351(d) (adulteration of a drug by mixing or substituting another substance).
- e. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent for prescribing or administering a drug or treatment that is non-therapeutic.
- f. Respondent's conduct, as described above, shows that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare, as defined by §151.002(a)(2) of the Act. Continuing threat means, "a real danger to the health of a physician's patients or to the public from acts or omissions of the physician caused through the physician's lack of competence, impaired status, or failure to care adequately for physician's patients."

3. Based on the evidence presented and the above Findings of Fact and Conclusions of Law, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that:

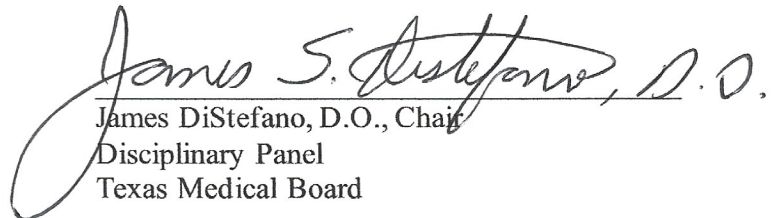
1. Respondent's Texas Medical License No. H-9000 is hereby temporarily suspended.
2. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) is effective on the date rendered.

3. Notice of this Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) shall be given immediately to Respondent.

4. A hearing on the Application for Temporary Suspension (WITH NOTICE OF HEARING) will hereby be scheduled before a Disciplinary Panel of the Board at a date to be determined as soon as practicable, at the offices of the Board, unless such hearing is specifically waived by Respondent.

5. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) shall remain in effect until such time as a hearing on the Application for Temporary Suspension (WITH NOTICE OF HEARING) is conducted and a Disciplinary Panel enters an order or until superseded by a subsequent order of the Board.

Signed and entered this 9TH day of September, 2022.


James DiStefano, D.O., Chair
Disciplinary Panel
Texas Medical Board