

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)	
)	
)	
ANDREW PETER TRUSSLER, M.D.)	Case No. 8002013000791
)	
Physician's and Surgeon's)	
Certificate No. A 86306)	
)	
Respondent)	
<hr style="width:40%; margin-left:0"/>)	


DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 26, 2014.

IT IS SO ORDERED: October 27, 2014.

MEDICAL BOARD OF CALIFORNIA

By: 
Dev Gnanadev, M.D., Chair
Panel B

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JOSHUA M. TEMPLET
Deputy Attorney General
4 State Bar No. 267098
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5529
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **ANDREW P. TRUSSLER, M.D.**

12 409 Rolling Green Drive
13 Austin, TX 78734
14 Physician's and Surgeon's
Certificate No. A 86306

15 Respondent.

Case No. 800-2013-000791

OAH No. 2014040717

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California. She brought this action solely in her official capacity and is represented in this
23 matter by Kamala D. Harris, Attorney General of the State of California, through Joshua M.
24 Templet, Deputy Attorney General.

25 2. Respondent Andrew P. Trussler, M.D. (Respondent) is represented in this proceeding
26 by attorney Gary S. Pancer of Wilson Elser Moskowitz Edelman & Dicker LLP, whose address is
27 555 Flower Street, Suite 2900 Los Angeles, CA 90071.

28 ///

1 3. On or about March 10, 2004, the Medical Board of California issued Physician's and
2 Surgeon's Certificate No. A 86306 to Andrew P. Trussler, M.D. (Respondent). The certificate is
3 renewed and current with an expiration date of March 31, 2016.

4 JURISDICTION

5 4. Accusation No. 800-2013-000791 (Accusation) was filed before the Medical Board
6 of California (Board), Department of Consumer Affairs, and is currently pending against
7 Respondent. The Accusation and all other statutorily required documents were properly served
8 on Respondent on February 19, 2014. Respondent timely filed his Notice of Defense contesting
9 the Accusation.

10 5. A copy of the Accusation is attached as **Exhibit A** and incorporated herein by
11 reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in the Accusation. Respondent has also carefully read, fully discussed
15 with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

16 7. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent understands and agrees that the charges and allegations in the
27 Accusation, if proven at a hearing, constitute cause for imposing discipline on his Physician's and
28 Surgeon's certificate. For purposes of resolving the Accusation without the expense and

1 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
2 establish a prima facie case with respect to the charges and allegations contained in the
3 Accusation and that he has therefore subjected his license to disciplinary action.

4 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 RESERVATION

8 11. The admissions made by Respondent herein are only for the purposes of this
9 proceeding, or any proceeding in which the Medical Board of California or other professional
10 licensing agency is involved, and shall not be admissible in any other criminal or civil
11 proceeding.”

12 CONTINGENCY

13 12. This stipulation shall be subject to approval by the Medical Board of California.
14 Respondent understands and agrees that counsel for Complainant and the staff of the Board may
15 communicate directly with the Board regarding this stipulation and settlement, without notice to
16 or participation by Respondent or his counsel. By signing the stipulation, Respondent
17 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
18 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
19 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
20 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
21 and the Board shall not be disqualified from further action by having considered this matter.

22 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
24 signatures thereto, shall have the same force and effect as the originals.

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:

28 ///

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 86306 issued
3 to Respondent Andrew P. Trussler, M.D. (Respondent) is revoked. However, the revocation is
4 stayed and Respondent is placed on probation for seven (7) years on the following terms and
5 conditions:

6 1. ACTUAL SUSPENSION. As part of probation, Respondent is suspended
7 from the practice of medicine for 60 days, beginning the sixteenth (16th) day after the effective
8 date of this decision.

9 2. CONTROLLED SUBSTANCES - PARTIAL RESTRICTION.
10 Respondent shall not order, prescribe, dispense, administer, furnish, or possess any controlled
11 substances as defined by the California Uniform Controlled Substances Act, except for
12 prescriptions for pre-operative and post-operative care, which he can only prescribe for 72-hour
13 periods with no refills.

14 Respondent shall not issue an oral or written recommendation or approval to a patient or a
15 patient's primary caregiver for the possession or cultivation of marijuana for the personal medical
16 purposes of the patient within the meaning of Health and Safety Code section 11362.5. If
17 Respondent forms the medical opinion, after an appropriate prior examination and medical
18 indication, that a patient's medical condition may benefit from the use of marijuana, Respondent
19 shall so inform the patient and shall refer the patient to another physician who, following an
20 appropriate prior examination and medical indication, may independently issue a medically
21 appropriate recommendation or approval for the possession or cultivation of marijuana for the
22 personal medical purposes of the patient within the meaning of Health and Safety Code section
23 11362.5. In addition, Respondent shall inform the patient or the patient's primary caregiver that
24 Respondent is prohibited from issuing a recommendation or approval for the possession or
25 cultivation of marijuana for the personal medical purposes of the patient and that the patient or
26 the patient's primary caregiver may not rely on Respondent's statements to legally possess or
27 cultivate marijuana for the personal medical purposes of the patient. Respondent shall fully
28 document in the patient's chart that the patient or the patient's primary caregiver was so

1 informed. Nothing in this condition prohibits Respondent from providing the patient or the
2 patient's primary caregiver information about the possible medical benefits resulting from the use
3 of marijuana.

4 3. CONTROLLED SUBSTANCES- MAINTAIN RECORDS AND ACCESS
5 TO RECORDS AND INVENTORIES. Respondent shall maintain a record of all controlled
6 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any
7 recommendation or approval which enables a patient or patient's primary caregiver to possess or
8 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health
9 and Safety Code section 11362.5, during probation, showing all the following: 1) the name and
10 address of patient; 2) the date; 3) the character and quantity of controlled substances involved;
11 and 4) the indications and diagnosis for which the controlled substances were furnished.

12 Respondent shall keep these records in a separate file or ledger, in chronological order. All
13 records and any inventories of controlled substances shall be available for immediate inspection
14 and copying on the premises by the Board or its designee at all times during business hours and
15 shall be retained for the entire term of probation.

16 4. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent
17 shall abstain completely from the personal use or possession of controlled substances as defined
18 in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business
19 and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does
20 not apply to medications lawfully prescribed to Respondent by another practitioner for a bona
21 fide illness or condition.

22 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
23 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
24 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
25 telephone number.

26 If Respondent has a confirmed positive biological fluid test for any substance (whether or
27 not legally prescribed) and has not reported the use to the Board or its designee, Respondent
28 shall receive a notification from the Board or its designee to immediately cease the practice of

1 medicine. The Respondent shall not resume the practice of medicine until final decision on an
2 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
3 probation shall be filed by the Board within 15 days of the notification to cease practice. If the
4 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
5 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent
6 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
7 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
8 shall not apply to the reduction of the probationary time period.

9 If the Board does not file an accusation or petition to revoke probation within 15 days of the
10 issuance of the notification to cease practice or does not provide Respondent with a hearing
11 within 30 days of a such a request, the notification of cease practice shall be dissolved.

12 5. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain
13 completely from the use of products or beverages containing alcohol.

14 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall
15 receive a notification from the Board or its designee to immediately cease the practice of
16 medicine. The Respondent shall not resume the practice of medicine until final decision on an
17 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
18 probation shall be filed by the Board within 15 days of the notification to cease practice. If the
19 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
20 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent
21 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
22 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
23 shall not apply to the reduction of the probationary time period.

24 If the Board does not file an accusation or petition to revoke probation within 15 days of the
25 issuance of the notification to cease practice or does not provide Respondent with a hearing
26 within 30 days of such a request, the notification of cease practice shall be dissolved.

27 6. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the
28 effective date of this Decision, Respondent shall enroll in a course in prescribing practices

1 equivalent to the Prescribing Practices Course at the Physician Assessment and Clinical
2 Education Program, University of California, San Diego School of Medicine (Program), approved
3 in advance by the Board or its designee. Respondent shall provide the program with any
4 information and documents that the Program may deem pertinent. Respondent shall participate in
5 and successfully complete the classroom component of the course not later than six (6) months
6 after Respondent's initial enrollment. Respondent shall successfully complete any other
7 component of the course within one (1) year of enrollment. The prescribing practices course shall
8 be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME)
9 requirements for renewal of licensure.

10 A prescribing practices course taken after the acts that gave rise to the charges in the
11 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
12 or its designee, be accepted towards the fulfillment of this condition if the course would have
13 been approved by the Board or its designee had the course been taken after the effective date of
14 this Decision.

15 Respondent shall submit a certification of successful completion to the Board or its
16 designee not later than 15 calendar days after successfully completing the course, or not later than
17 15 calendar days after the effective date of the Decision, whichever is later.

18 7. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60
19 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism
20 program, that meets the requirements of title 16, California Code of Regulations (CCR) section
21 1358. Respondent shall participate in and successfully complete that program. Respondent shall
22 provide any information and documents that the program may deem pertinent. Respondent shall
23 successfully complete the classroom component of the program not later than six (6) months after
24 Respondent's initial enrollment, and the longitudinal component of the program not later than the
25 time specified by the program, but no later than one (1) year after attending the classroom
26 component. The professionalism program shall be at Respondent's expense and shall be in
27 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

28 A professionalism program taken after the acts that gave rise to the charges in the

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
2 or its designee, be accepted towards the fulfillment of this condition if the program would have
3 been approved by the Board or its designee had the program been taken after the effective date of
4 this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its
6 designee not later than 15 calendar days after successfully completing the program or not later
7 than 15 calendar days after the effective date of the Decision, whichever is later.

8 8. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days
9 from the effective date of this Decision, Respondent shall enroll in a professional boundaries
10 program equivalent to the Professional Boundaries Program offered by the Physician Assessment
11 and Clinical Education Program at the University of California, San Diego School of Medicine
12 (“Program”). Respondent, at the Program’s discretion, shall undergo and complete the Program’s
13 assessment of Respondent’s competency, mental health and/or neuropsychological performance,
14 and at minimum, a 24 hour program of interactive education and training in the area of
15 boundaries, which takes into account data obtained from the assessment and from the Decision(s),
16 Accusation(s) and any other information that the Board or its designee deems relevant. The
17 Program shall evaluate Respondent at the end of the training and the Program shall provide any
18 data from the assessment and training as well as the results of the evaluation to the Board or its
19 designee.

20 Failure to complete the entire Program not later than six (6) months after Respondent’s
21 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees
22 in writing to a later time for completion. Based on Respondent’s performance in and evaluations
23 from the assessment, education, and training, the Program shall advise the Board or its designee
24 of its recommendation(s) for additional education, training, psychotherapy and other measures
25 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with
26 Program recommendations. At the completion of the Program, Respondent shall submit to a final
27 evaluation. The Program shall provide the results of the evaluation to the Board or its designee.
28 The professional boundaries program shall be at Respondent’s expense and shall be in addition to

1 the Continuing Medical Education (CME) requirements for renewal of licensure.

2 The Program has the authority to determine whether or not Respondent successfully
3 completed the Program.

4 A professional boundaries course taken after the acts that gave rise to the charges in the
5 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
6 or its designee, be accepted towards the fulfillment of this condition if the course would have
7 been approved by the Board or its designee had the course been taken after the effective date of
8 this Decision.

9 9. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective
10 date of this Decision, and on whatever periodic basis thereafter may be required by the Board or
11 its designee, respondent shall undergo and complete a psychiatric evaluation (and psychological
12 testing, if deemed necessary) by a Board appointed board certified psychiatrist, who shall
13 consider any information provided by the Board or designee and any other information the
14 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
15 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
16 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
17 psychiatric evaluations and psychological testing.

18 Respondent shall comply with all restrictions or conditions recommended by the evaluating
19 psychiatrist within 15 calendar days after being notified by the Board or its designee.

20 Respondent shall not engage in the practice of medicine until notified by the Board or its
21 designee that respondent is mentally fit to practice medicine safely. The period of time that
22 respondent is not practicing medicine shall not be counted toward completion of the term of
23 probation.

24 10. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this
25 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
26 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
27 has a doctoral degree in psychology and at least five years of postgraduate experience in the
28 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall

1 undergo and continue psychotherapy treatment, including any modifications to the frequency of
2 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

3 The psychotherapist shall consider any information provided by the Board or its designee
4 and any other information the psychotherapist deems relevant and shall furnish a written
5 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
6 psychotherapist any information and documents that the psychotherapist may deem pertinent.

7 Respondent shall have the treating psychotherapist submit quarterly status reports to the
8 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
9 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
10 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
11 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
12 period of probation shall be extended until the Board determines that Respondent is mentally fit
13 to resume the practice of medicine without restrictions.

14 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

15 11. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar
16 days of the effective date of this Decision, and on a periodic basis thereafter as may be required
17 by the Board or its designee, Respondent shall undergo a medical evaluation by a Board-
18 appointed physician who shall consider any information provided by the Board or designee and
19 any other information the evaluating physician deems relevant and shall furnish a medical report
20 to the Board or its designee. Respondent shall provide the evaluating physician any information
21 and documentation that the evaluating physician may deem pertinent.

22 Following the evaluation, Respondent shall comply with all restrictions or conditions
23 recommended by the evaluating physician within 15 calendar days after being notified by the
24 Board or its designee. If Respondent is required by the Board or its designee to undergo medical
25 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the
26 Board or its designee for prior approval the name and qualifications of a California licensed
27 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent
28 shall within 15 calendar days undertake medical treatment and shall continue such treatment until

1 further notice from the Board or its designee.

2 The treating physician shall consider any information provided by the Board or its designee
3 or any other information the treating physician may deem pertinent prior to commencement of
4 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
5 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
6 Respondent shall provide the Board or its designee with any and all medical records pertaining to
7 treatment, the Board or its designee deems necessary.

8 If, prior to the completion of probation, Respondent is found to be physically incapable of
9 resuming the practice of medicine without restrictions, the Board shall retain continuing
10 jurisdiction over Respondent's license and the period of probation shall be extended until the
11 Board determines that Respondent is physically capable of resuming the practice of medicine
12 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

13 12. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the
14 effective date of this Decision, Respondent shall submit to the Board or its designee for prior
15 approval as a practice monitor(s), the name and qualifications of one or more licensed physicians
16 and surgeons whose licenses are valid and in good standing, and who are preferably American
17 Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current
18 business or personal relationship with Respondent, or other relationship that could reasonably be
19 expected to compromise the ability of the monitor to render fair and unbiased reports to the
20 Board, including but not limited to any form of bartering, shall be in Respondent's field of
21 practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring
22 costs.

23 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
24 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
25 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
26 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
27 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
28 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the

1 signed statement for approval by the Board or its designee.

2 Within 60 calendar days of the effective date of this Decision, and continuing throughout
3 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
4 make all records available for immediate inspection and copying on the premises by the monitor
5 at all times during business hours and shall retain the records for the entire term of probation.

6 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
7 date of this Decision, Respondent shall receive a notification from the Board or its designee to
8 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
9 shall cease the practice of medicine until a monitor is approved to provide monitoring
10 responsibility.

11 The monitor(s) shall submit a quarterly written report to the Board or its designee which
12 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
13 are within the standards of practice of medicine, and whether Respondent is practicing medicine
14 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
15 that the monitor submits the quarterly written reports to the Board or its designee within 10
16 calendar days after the end of the preceding quarter.

17 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
18 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
19 name and qualifications of a replacement monitor who will be assuming that responsibility within
20 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
21 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
22 notification from the Board or its designee to cease the practice of medicine within three (3)
23 calendar days after being so notified Respondent shall cease the practice of medicine until a
24 replacement monitor is approved and assumes monitoring responsibility.

25 In lieu of a monitor, Respondent may participate in a professional enhancement program
26 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
27 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
28 chart review, semi-annual practice assessment, and semi-annual review of professional growth

1 and education. Respondent shall participate in the professional enhancement program at
2 Respondent's expense during the term of probation.

3 13. SOLO PRACTICE PROHIBITION. Respondent is prohibited from
4 engaging in the solo practice of medicine. Prohibited solo practice includes, but is not limited to,
5 a practice where: 1) Respondent merely shares office space with another physician but is not
6 affiliated for purposes of providing patient care, or 2) Respondent is the sole physician
7 practitioner at that location.

8 If Respondent fails to establish a practice with another physician or secure employment in
9 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
10 Respondent shall receive a notification from the Board or its designee to cease the practice of
11 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
12 practice until an appropriate practice setting is established.

13 If, during the course of the probation, the Respondent's practice setting changes and the
14 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
15 shall notify the Board or its designee within 5 calendar days of the practice setting change. If
16 Respondent fails to establish a practice with another physician or secure employment in an
17 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
18 shall receive a notification from the Board or its designee to cease the practice of medicine within
19 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
20 appropriate practice setting is established.

21 14. THIRD PARTY CHAPERONE. During probation, Respondent shall have
22 a third party chaperone present while consulting, examining or treating female patients.
23 Respondent shall, within 30 calendar days of the effective date of the Decision, submit to the
24 Board or its designee for prior approval name(s) of persons who will act as the third party
25 chaperone.

26 If Respondent fails to obtain approval of a third party chaperone within 60 calendar days of
27 the effective date of this Decision, Respondent shall receive a notification from the Board or its
28 designee to cease the practice of medicine within three (3) calendar days after being so notified.

1 Respondent shall cease the practice of medicine until a chaperone is approved to provide
2 monitoring responsibility.

3 Each third party chaperone shall sign (in ink or electronically) and date each patient
4 medical record at the time the chaperone's services are provided. Each third party chaperone shall
5 read the Decision(s) and the Accusation(s), and fully understand the role of the third party
6 chaperone.

7 Respondent shall maintain a log of all patients seen for whom a third party chaperone is
8 required. The log shall contain the: 1) patient initials, address and telephone number; 2) medical
9 record number; and 3) date of service. Respondent shall keep this log in a separate file or ledger,
10 in chronological order, shall make the log available for immediate inspection and copying on the
11 premises at all times during business hours by the Board or its designee, and shall retain the log
12 for the entire term of probation.

13 Respondent is prohibited from terminating employment of a Board-approved third party
14 chaperone solely because that person provided information as required to the Board or its
15 designee.

16 If the third party chaperone resigns or is no longer available, Respondent shall, within 5
17 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
18 approval, the name of the person(s) who will act as the third party chaperone. If Respondent fails
19 to obtain approval of a replacement chaperone within 60 calendar days of the resignation or
20 unavailability of the chaperone, Respondent shall receive a notification from the Board or its
21 designee to cease the practice of medicine within three (3) calendar days after being so notified.
22 Respondent shall cease the practice of medicine until a replacement chaperone is approved and
23 assumes monitoring responsibility.

24 15. NOTIFICATION. Within seven (7) days of the effective date of this
25 Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief
26 of Staff or the Chief Executive Officer at every hospital where privileges or membership are
27 extended to Respondent, at any other facility where Respondent engages in the practice of
28 medicine, including all physician and locum tenens registries or other similar agencies, and to the

1 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage
2 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within
3 15 calendar days.

4 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

5 16. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation,
6 Respondent is prohibited from supervising physician assistants.

7 17. OBEY ALL LAWS. Respondent shall obey all federal, state and local
8 laws, all rules governing the practice of medicine in California and remain in full compliance
9 with any court ordered criminal probation, payments, and other orders.

10 18. QUARTERLY DECLARATIONS. Respondent shall submit quarterly
11 declarations under penalty of perjury on forms provided by the Board, stating whether there has
12 been compliance with all the conditions of probation.

13 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
14 of the preceding quarter.

15 19. GENERAL PROBATION REQUIREMENTS.

16 Compliance with Probation Unit

17 Respondent shall comply with the Board's probation unit and all terms and conditions of
18 this Decision.

19 Address Changes

20 Respondent shall, at all times, keep the Board informed of Respondent's business and
21 residence addresses, email address (if available), and telephone number. Changes of such
22 addresses shall be immediately communicated in writing to the Board or its designee. Under no
23 circumstances shall a post office box serve as an address of record, except as allowed by Business
24 and Professions Code section 2021(b).

25 Place of Practice

26 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
27 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
28 facility.

1 License Renewal

2 Respondent shall maintain a current and renewed California physician's and surgeon's
3 license.

4 Travel or Residence Outside California

5 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
6 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
7 (30) calendar days.

8 In the event Respondent should leave the State of California to reside or to practice
9 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
10 departure and return.

11 20. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent
12 shall be available in person upon request for interviews either at Respondent's place of business
13 or at the probation unit office, with or without prior notice throughout the term of probation.

14 21. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the
15 Board or its designee in writing within 15 calendar days of any periods of non-practice lasting
16 more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-
17 practice is defined as any period of time Respondent is not practicing medicine in California as
18 defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a
19 calendar month in direct patient care, clinical activity or teaching, or other activity as approved by
20 the Board. All time spent in an intensive training program which has been approved by the Board
21 or its designee shall not be considered non-practice. Practicing medicine in another state of the
22 United States or Federal jurisdiction while on probation with the medical licensing authority of
23 that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of
24 practice shall not be considered as a period of non-practice.

25 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
26 months, Respondent shall successfully complete a clinical training program that meets the criteria
27 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
28 Disciplinary Guidelines" prior to resuming the practice of medicine.

1 Respondent's period of non-practice while on probation shall not exceed two (2) years.

2 Periods of non-practice will not apply to the reduction of the probationary term.

3 Periods of non-practice will relieve Respondent of the responsibility to comply with the
4 probationary terms and conditions with the exception of this condition and the following terms
5 and conditions of probation: Obey All Laws; and General Probation Requirements.

6 22. COMPLETION OF PROBATION. Respondent shall comply with all
7 financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to
8 the completion of probation. Upon successful completion of probation, Respondent's certificate
9 shall be fully restored.

10 23. VIOLATION OF PROBATION. Failure to fully comply with any term or
11 condition of probation is a violation of probation. If Respondent violates probation in any
12 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke
13 probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to
14 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,
15 the Board shall have continuing jurisdiction until the matter is final, and the period of probation
16 shall be extended until the matter is final.

17 24. LICENSE SURRENDER. Following the effective date of this Decision, if
18 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
19 the terms and conditions of probation, Respondent may request to surrender his or her license.
20 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
21 determining whether or not to grant the request, or to take any other action deemed appropriate
22 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
23 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
24 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
25 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
26 application shall be treated as a petition for reinstatement of a revoked certificate.

27 25. PROBATION MONITORING COSTS. Respondent shall pay the costs
28 associated with probation monitoring each and every year of probation, as designated by the

Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

26. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing, at respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Prior to practicing medicine, respondent shall contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed, biological fluid testing. The contract shall require results of the tests to be transmitted by the laboratory or service directly to the Board or its designee within four hours of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation.

A certified copy of any laboratory test result may be received in evidence in any proceedings between the Board and respondent.

If respondent fails to cooperate in a random biological fluid testing program within the specified time frame, respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If the respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the respondent with a hearing within 30 days of the request, unless the respondent stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within 15 days unless good cause can be shown for the delay. The cessation of practice shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 15 days of the issuance of the notification to cease practice or does not provide respondent with a hearing within 30 days of a such a request, the notification of cease practice shall be dissolved.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49
- 50
- 51
- 52
- 53
- 54
- 55
- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68
- 69
- 70
- 71
- 72
- 73
- 74
- 75
- 76
- 77
- 78
- 79
- 80
- 81
- 82
- 83
- 84
- 85
- 86
- 87
- 88
- 89
- 90
- 91
- 92
- 93
- 94
- 95
- 96
- 97
- 98
- 99
- 100

DATED: 9/10/14

I have read and fully discussed with Respondent Andrew P. Trussler, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

///
///
///
///
///
///
///
///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

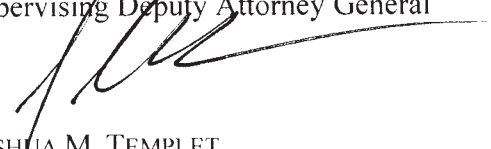
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 9/11/2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



JOSHUA M. TEMPLET
Deputy Attorney General
Attorneys for Complainant

SF2013406735

Exhibit A

Accusation No. 800-2013-000791

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JOSHUA M. TEMPLET
Deputy Attorney General
4 State Bar No. 267098
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5529
6 Facsimile: (415) 703-5480
E-mail: Joshua.Templet@doj.ca.gov
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO February 19 20 14
BY R. FIRDANS ANALYST

8 BEFORE THE
9 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 8002013000791

12 **ANDREW PETER TRUSSLER, M.D.**

13 409 Rolling Green Drive
Austin, TX 78734
14 Physician's and Surgeon's
Certificate No. A 86306

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Interim Executive Director of the Medical Board of California, Department of
21 Consumer Affairs.

22 2. On March 10, 2004, the Medical Board of California (Board) issued Physician's and
23 Surgeon's Certificate Number A 86306 to Andrew Peter Trussler, M.D. (Respondent). The
24 certificate is renewed and current with an expiration date of March 31, 2014.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

28 ///

- Respondent prescribed medication under several of those patients' names for his personal use; and
- Respondent resigned from the University of Texas Southwestern Medical Center to avoid a formal investigation of these allegations.

9. Following an October 18, 2013 hearing at which Respondent appeared with counsel, the Texas Board made the following findings:

- Respondent admitted the allegations regarding his sexual contact with several of his patients; and
- Respondent admitted the allegations regarding diverting medicine prescribed to several of his patients for his personal use.

10. The Texas Board determined Respondent's conduct constituted violations of multiple provisions of the Texas Medical Practice Act and imposed the following discipline on Respondent: stayed revocation of Respondent's Texas medical license and indefinite probation until Respondent requests modification (Respondent may not make such a request until having served at least one year of probation). The terms and conditions of probation include, *inter alia*:

- Respondent must have a chaperone present whenever he performs a physical examination on a female patient;
- Respondent shall not possess, administer, dispense, or prescribe any controlled substances;
- Respondent must pass the Texas Board's Medical Jurisprudence Examination;
- Respondent must practice in a group or institutional setting;
- Respondent must complete the professional boundaries course offered by the University of California San Diego Physician Assessment and Clinical Education ("PACE") program, or an equivalent course;
- Respondent must submit to an evaluation by the state Physician Health Program and comply with all recommendations made following such evaluation;
- Respondent must complete eight hours of approved continuing medical education coursework in ethics;
- Respondent will receive a public reprimand; and

- 1 • Respondent must pay a \$2,000 administrative penalty.

2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
4 and that following the hearing, the Board issue a decision:

- 5 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 86306,
6 issued to Respondent;
7 2. Revoking, suspending or denying approval of Respondent's authority to supervise
8 physician's assistants;
9 3. Ordering Respondent, if placed on probation, to pay the costs of probation
10 monitoring; and
11 4. Taking such other and further action as deemed necessary and proper.

12 DATED: February 19, 2014


KIMBERLY KIRCHMEYER
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

17 SF2013406735
18 40879351.doc
19
20
21
22
23
24
25
26
27
28

Exhibit A

LICENSE NO. M-3770

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

ANDREW PETER TRUSSLER, M.D.

TEXAS MEDICAL BOARD

AGREED ORDER

On the 18 day of October, 2013, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Andrew Peter Trussler, M.D. ("Respondent").

On August 5, 2013, Respondent appeared in person, with counsel Mitch Dean and Lea Courington, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Margaret McNeese, a member of the Board and Lewis Benavides, a member of a District Review Committee ("Panel"). Ketan Patel represented Board staff and prepared this Order.

BOARD CHARGES

Board staff alleged that Respondent engaged in unprofessional conduct and diversion of controlled drugs for personal use. Specifically, it was alleged that Respondent engaged in a sexual relationship with several of his patients; and, prescribed medication under several of those patients' names for his personal use. It was additionally alleged that Respondent resigned from the University of Texas Southwestern Medical Center ("UTSWMC") to avoid a formal investigation of these allegations.

BOARD HISTORY

Respondent has not previously received a disciplinary order from the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. 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.
- b. Respondent currently holds Texas Medical License No. M-3770. Respondent was originally issued this license to practice medicine in Texas on June 2, 2006. Respondent is also licensed in California.
- c. Respondent is primarily engaged in the practice of plastic and reconstructive surgery. Respondent is board certified by the American Board of Plastic Surgery, a member of the American Board of Medical Specialties.
- d. Respondent is 41 years of age.

2. Specific Panel Findings:

- a. Respondent admitted to the violations alleged by Board staff with regard to the sexual contact with more than one patient and diverting medicines prescribed to more than one patient for personal use.
- b. The Panel found no violation regarding UTSWMC discipline.
- c. Respondent has been out of the practice of medicine for over 14 months.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:

- a. Respondent is been an active member of AA, is an AA sponsor, and has recently sponsored another physician in recovery;
- b. Respondent had maintained continuous sobriety for over one year prior to the date of the ISC and continues to maintain sobriety at the time of entry of this Agreed Order;
- c. Respondent completed a boundary course prior to the ISC;
- d. Respondent has demonstrated insight and understanding regarding the gravity of the situation; and
- e. 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, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited under Section 164.052 of the Act.
3. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined by Board Rule 190.8(1)(M), inappropriate prescription of dangerous drugs or controlled substances to oneself, family members, or others in which there is a close personal relationship.

4. Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent using alcohol or drugs in an intemperate manner that could endanger a patient's life.

5. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, as further defined by Board Rules 190.8(2)(e), engaging in sexual contact with a patient and 190.8(2)(F), engaging in sexually inappropriate behavior or comments directed towards a patient

6. Sections 164.052(a)(5) and 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

7. 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.

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

9. 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 and Conclusions of Law, the Board ORDERS that Respondent's Texas license is hereby SUSPENDED; however, the suspension is STAYED and Respondent is placed on PROBATION under the following terms and conditions, until Respondent requests modification, from the date of the signing of this Order by the presiding officer of the Board:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Anytime Respondent performs a physical examination on a female patient, Respondent shall have a chaperone who is able to directly observe Respondent present in the room during the examination of the patient. Respondent shall make a notation on the patient's chart indicating that a chaperone was present, and Respondent shall ensure that the chaperone signs the

entry made by Respondent to indicate that the chaperone was present and observed the examination or treatment.

3. Respondent shall not possess, administer, dispense, or prescribe any controlled substances or dangerous drugs with addictive potential or potential for abuse; however, Respondent may order such drugs to be administered to surgical patients for pre-operative or post-operative care, for not more than 72 hours at a time, and with no refills possible.

4. Within one year following the entry of this Order, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination ("JP Exam") given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be immediately suspended pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and

knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

5. Respondent shall limit Respondent's medical practice, including any office and inpatient practice, to a group or an institutional setting approved in advance in the discretion of the Executive Director of the Board. Respondent shall provide a copy of this Order to the group or institutional setting administrator. If there are any personnel or scheduling changes related to the approved setting, the Respondent shall notify the Board in writing of those changes within 14 days.

6. Within one (1) year from the date of the entry of this Order, Respondent shall enroll in and successfully complete the professional boundaries course offered by University of California San Diego Physician Assessment and Clinical Education ("PACE") program, the Maintaining Proper Boundaries course offered by the Center for Professional Health through Vanderbilt University Medical Center ("Vanderbilt"), or an equivalent course approved in writing in advance by the Executive Director or their designee. To obtain approval for a course other than the PACE course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content, faculty, course location, and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course.

7. Respondent shall submit to an evaluation by the TXPHP no later than 30 days from the effective date of this Order. Respondent shall comply with any and all recommendations made by the TXPHP following such evaluation. This term shall be considered satisfied upon the Board's receipt of notice of resolution from the TXPHP.

8. Within one (1) year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least eight (8) hours of continuing medical education ("CME") approved for Category I credits by the American Medical Association in the topic of ethics, approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CME

requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

9. Respondent shall pay an administrative penalty in the amount of \$2,000 within 60 days of the date 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 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.

10. Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, applies for privileges, or otherwise practices. Within thirty days of entry of this Order Respondent shall provide documentation, including proof of delivery, to the Compliance Division of the Board that the Order was delivered to all such facilities.

11. The time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent's return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

12. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

13. 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.

14. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of 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. Respondent agrees that 10 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).

15. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

16. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

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

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.

[SIGNATURE PAGES TO FOLLOW]

I, ANDREW PETER TRUSSLER, 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.

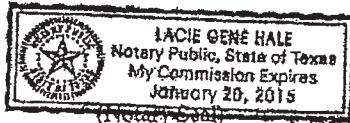
DATED: October 24, 2013.


ANDREW PETER TRUSSLER, M.D.
Respondent

STATE OF Texas
COUNTY OF Travis

§
§
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 24th day of October, 2013.




Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
24 day of October, 2013.

Irvin E. Zeitler, Jr.
Irvin E. Zeitler, Jr., D.O., President
Texas Medical Board

STATE OF TEXAS
COUNTY OF TRAVIS

I, Coby Laredo, certify that I am an official
assistant custodian of records for the Texas Medical Board,
and that this is a true and correct Copy of the original, as it
appears on file in this office.

Witness my official hand and seal of the Board,

this 13th day of November, 2013.

Coby Laredo
Assistant Custodian of Records