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# DOCTORS SUE TEXAS MEDICAL BOARD FOR MISCONDUCT – Cites institutional culture of retaliation & intimidation

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The entire Texas Medical Board (TMB) and its officials have been named in a lawsuit filed by the Association of American Physicians and Surgeons (AAPS). The complaint, filed this week in District Court in Texarkana, accuses the board of misconduct while performing its official duties, specifically:

1. Manipulation of anonymous complaints;
2. Conflicts of interest;
3. Violation of due process;
4. Breach of privacy; and
5. Retaliation against those who speak out.

“The situation has reached the crisis point for patients and doctors,” said Jane M. Orient, M.D, Executive Director of AAPS. “Our members are too afraid of retaliation to sue the Board as individuals.”

The lawsuit specifically points out misconduct by Roberta Kalafut, the Board president. The law suit claims that Kalafut “arranged for her husband to file anonymous complaints against other physicians, including her competitors in Abilene...”

She then “...worked inside the TMB, with other defendants, to discipline doctors based on anonymous complaints filed by her physician husband.”

The lawsuit also charges that Kalafut and Donald Patrick, Executive Director, knew about the conflict of interest of Keith Miller while he was Chair of the Disciplinary Process Review Committee. Miller served as plaintiffs’ witness in at least 50 cases brought before the Board without disclosing that to the disciplined doctors or the public.

During a marathon 11-and-a-half hour legislative hearing about the Texas Medical Board on October 23, 2007, Kalafut and Patrick admitted under oath that they were aware of the conflicts of interest.

"It seems clear from the sworn testimony before the legislative committee that they knew about the problems and had done what they could to hide them," said Dr. Orient.

The lawsuit demands that the Court put an immediate stop to abuses by the Board, and that previous disciplinary actions tainted by the Board's violations be re-opened.

"Doctors in Texas should not be forced to practice in this atmosphere of fear and intimidation," said Dr. Orient. "Complaints from our members have identified the TMB as probably the worst in the country. It's bad for patients when their doctors are afraid that doing the right thing could result in licensure action."

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**COMPLAINT AVAILABLE:** A copy of the complaint is available at [www.aapsonline.org](http://www.aapsonline.org).

***NOTE: AAPS is a non-profit, professional association of physicians in all specialties, dedicated since 1943 to protection of the patient-physician relationship. It accepts no corporate or government funding, and its board members and officers serve without compensation.***