

IN THE MATTER OF

GARY STEVEN DEEGEAR, M.D.

BEFORE A

DISCIPLINARY PANEL OF THE

TEXAS MEDICAL BOARD

CEASE AND DESIST ORDER

On the 21st day of September 2018, this matter was heard before the Texas Medical Board (“Board”). Gary Steven Deegear, M.D. (Respondent), did not appear at the hearing. The Board was represented by Karl Swann, M.D. and Timothy Webb, J.D., members of the Board (“Panel”). Heather Detrixhe Barham represented Board staff.

After hearing the evidence presented by Board staff, the Board Disciplinary Panel makes the following Findings and Conclusions of Law and directs the Executive Director of the Board to execute this Cease and Desist Order pursuant to authority granted to her by the Board.

FINDINGS

The Board finds that:

1. Respondent received all notice required by law and all jurisdictional requirements have been satisfied.
2. Respondent is not licensed to practice medicine in the State of Texas.
3. Respondent was issued Texas Medical License No. H-6159 on December 6, 1989. This license was cancelled on September 7, 2016, due to non-payment of renewal fees.
4. Respondent worked at Mind, Body & Soul Fabulous Transformations Spa (“Spa”), located at 4813A Fredericksburg Road, San Antonio, Texas 78254, for approximately two years, while representing himself as a licensed to physician.
5. His role at the Spa was to evaluate the patients, order medications and administer injectable medications and supervise hyperbaric treatments.
6. On or about August 23, 2017, Respondent represented to a Registered Pharmacist that he was a physician in-person, then signed an “Agreement Acknowledged between Physician and Pharmacy,” indicating that he was the supervising physician of the Spa.
7. Also on or about August 23, 2017, Respondent ordered the injectable medications such as Vitamin B-12, Vitamin C, Injectable Magnesium, from Champs Pharmacy. Respondent signed

an Agreement and Acknowledgement between Physician and Pharmacy, as the "Supervising Physician" of Mind, Body & Soul Spa.

8. While working at the Spa, Respondent used unsafe practices, such as giving injections without gloves, giving injections in the bathroom, recapping used needles, refilling used syringes for patient use, disposing of sharps in a trash can and leaving vitamins out in the open in patient care areas.

9. Respondent has worked at the Spa under the influence of drugs and/or alcohol.

10. Respondent has not cooperated in Board Staff's investigation of the allegations related to this Order.

CONCLUSIONS OF LAW

Based on these Findings, the Board concludes the following:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Texas Occupations Code, Title 3, Subtitle B, the Medical Practice Act ("Act").

2. Section 151.002 of the Act provides that a person engages in the practice of medicine when the person diagnoses, treats or offers to treat a mental or physical disease or disorder or a physical deformity or injury by any system or method, or attempts to effect cures of those conditions, when the person publically professes to be a physician or surgeon or directly or indirectly charges money or other compensation for those services.

3. Section 155.001 of the Act provides that a person may not practice medicine in this state unless the person holds a license issued under the subtitle.

4. Healing Art Identification: Respondent's conduct, as described above, shows that Respondent has violated a state statute related to the practice of medicine, Texas Occupations Code, Title 3, Subtitle A, the Healing Art Identification Act.

5. Section 104.003 of the Healing Art Identification Act requires licensed healing arts practitioners to designate the healing art the person is licensed to practice.

6. Section 104.004 of the Healing Art Identification Act provides that a person using the title "doctor" must designate the authority under which the title issued or the college or honorary degree that gives rise to the use of the title.

7. Section 165.052(a) of the Act authorizes the Board to issue a Cease and Desist Order after notice and opportunity for a hearing prohibiting an unlicensed person from engaging in activity that violates the Act, rules adopted under the Act or another state statute or rule relating to the practice of medicine.

8. 22 Tex. Admin. Code, Chapter 187, sets forth the Board's Procedural Rules for all Board proceedings. 22 Tex. Admin. Code, Chapter 187, Subchapter I, sets forth the Board's Rules regarding cease and desist proceedings.

5. Respondent's conduct, as described above, shows that Respondent has engaged in the unauthorized practice of medicine without a license and/or violated the Healing Art Identification Act.

ORDER

Based on the Findings and Conclusions of Law, the Board ORDERS that:

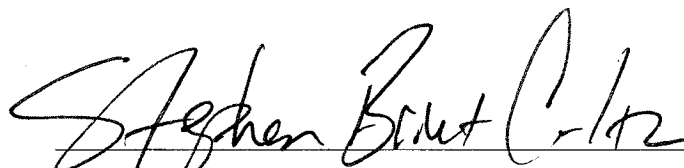
1. Respondent is prohibited from engaging in the practice of medicine in the State of Texas.

2. Respondent is prohibited from acting as, or holding himself out to be, a physician, or in any express or implied manner, exercising the medical practice authority of a physician in the State of Texas.

3. Respondent shall cease and desist: engaging in any practice of medicine; engaging in any express or implied actions in the guise of a physician; and engaging in any exercise of the medical practice authority of a physician, in the State of Texas after the effective date of this Agreed Order.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED by the Executive Director of the Board on this 21st day of
September 2018.

A handwritten signature in black ink, reading "Stephen Brint Carlton". The signature is written in a cursive style with a horizontal line underneath the name.

Stephen "Brint" Carlton, J.D.
Executive Director
Texas Medical Board