

LICENSE NO. H-5151

IN THE MATTER OF
THE COMPLAINT AGAINST
MICHAEL ANGELO BASCO, M.D.

BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED ORDER

On the 15 day of August, 2003, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session, the matter of the license of MICHAEL ANGELO BASCO, M.D. ("Respondent").

On March 21, 2003, Respondent appeared in person, with counsel Elizabeth M. Fraley, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Walter G. Mosher represented Board Staff. The Board's Representatives were Elivira Pacua-Lim, M.D., a member of the Board, and Victor Diaz, M.D., a member of the District Review Committee.

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

FINDINGS OF FACT

The Board finds that:

1. 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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002) (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No.. Respondent was originally issued this license to practice medicine in Texas on February 24, 1989. Respondent is not licensed to practice in any other state.

3. Respondent is primarily engaged in the practice of obstetrics and gynecology. Respondent is certified in this specialty by the American Board of Medical Specialties.

4. Respondent is 42 years of age.

5. Respondent has not previously been the subject of disciplinary action by the Board.

6. The Board received information indicating that Respondent may have violated the Act by improperly using cytotec and for being disciplined by peers for such use in addition to submitting a false statement on his hospital privilege application relating to a prior malpractice suit filed against him.

7. On March 21, 2003, Respondent appeared before an Informal Settlement Conference/Show Compliance proceeding. Based on the evidence presented and Respondent's statements, the Panel concluded that while the evidence did not support a finding that Respondent improperly used cytotec, the evidence did support a finding that Respondent violated the Act based on the peer review action taken for failure to completely disclose information submitted on his hospital privilege application.

8. Respondent maintains that he did not report the prior suit based on advise of counsel because they believed it was not reportable since he was a resident at the time.

9. 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 of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Sections 164.051(a)(1) and 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.
3. Respondent is subject to disciplinary action pursuant to Section 164.051(a)(7) of the Act by being removed, suspended, or subject to disciplinary action taken by Respondent's peers in a local, regional, state or national professional medical association or society; or is disciplined by a licensed hospital or medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action. Causes for removal, suspension or disciplinary actions include unprofessional conduct or professional incompetence that was likely to harm the public, and the actions were appropriate and reasonably supported by evidence submitted to the Board.
4. 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. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.
5. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
6. 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 of Fact and Conclusions of Law, the Board ORDERS that this Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and that Respondent is hereby reprimanded.

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.

I, MICHAEL ANGELO BASCO, 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: 8/7, 2003.


MICHAEL ANGELO BASCO, M.D.
RESPONDENT

STATE OF Texas

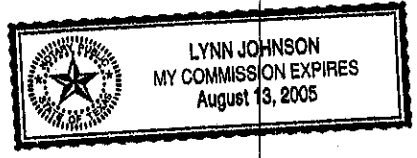
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COUNTY OF Tarrant

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
7 day of August, 2003.

Lynn Johnson
Signature of Notary Public

(Notary Seal)



Lynn Johnson
Printed or typed name of Notary Public
My commission expires:
8-13-05

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical
Examiners on this 15 day of August, 2003.

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