



## TEXAS DEPARTMENT OF STATE HEALTH SERVICES

KIRK S. COLE  
INTERIM COMMISSIONER

P.O. Box 149347  
Austin, Texas 78714-9347  
1-888-963-7111  
TTY: 1-800-735-2989  
www.dshs.state.tx.us

### Hand Delivered

April 14, 2015

Dr. Anthony L. Claxton  
Clinical Director  
Terrell State Hospital

RE: Notice of Possible Disciplinary Action

Dear Dr. Claxton:

This is to notify you of the allegations that may give rise to possible disciplinary action against you, up to and including dismissal from employment, as a Psychiatrist III at Terrell State Hospital (TSH), Texas Department of State Health Services (DSHS).

Specifically it is alleged that you, while employed as a Psychiatrist III at Terrell State Hospital, received over \$231,000.00 in honoraria from a pharmaceutical company for promotional speaking and consulting services on at least 166 occasions from 2005 through 2012. In an examination under oath taken in conjunction with the Office of Attorney General's pursuit of this matter, you admitted that you knew you were being utilized and paid by the pharmaceutical company to speak regarding the company's medication, Seroquel and Seroquel XR, because of your influence within DSHS, specifically, you admitted in sworn testimony that you understood that you were being approached by AstraZeneca to promote Seroquel XR to other state doctors because you are a state doctor and, therefore, had more credibility with that group than a non-state doctor.

This conduct violates Health and Human Services Enterprise (HHS) Human Resources Policy, Chapter 4, entitled Employee Conduct, which is applicable to all HHS employees, including DSHS employees, specifically this conduct violates the following provisions of that policy:

State employees may not have any financial or other interest, engage in any business or professional activity, or incur any obligation that substantially conflicts with the proper discharge of the employee's duties in the public interest. Specifically, HHS employees should not:

- accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties, or that the employee knows or should know is being offered with the intent to influence the employee's official conduct;
- accept other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;

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- make personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest; or
- intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the employee's official powers or performed the employee's official duties in favor of another.

Additionally, your conduct violates HHS HR Policy, Chapter 4 Work Rules, specifically, Work Rules No:

HHS employees must:

1. be familiar with and follow all HHS policies and procedures relating to job performance and work rules;
7. avoid situations in which personal or private gain or benefit may conflict with the public interest;
8. not accept or solicit any gift, favor, service, or other benefit from anyone in exchange for their job duties, except for the employee's salary and state employee benefits;
18. not engage in relationships with HHS clients, service providers, contractors, or vendors that would impair objectivity in performing their duties or endanger confidentiality;
19. not solicit, accept, or agree to accept an honorarium in consideration for services that the employee would not have been requested to provide but for the employee's official position or duties. This does not prohibit an employee from accepting transportation, meals, and lodging expenses in connection with a conference or similar event when allowed by law. See Texas Penal Code § 36.07; and
28. not act in a manner that interferes with the proper performance of duties, office operations, or HHS agency and program goals and objectives, or act in a manner that violates HHS agency or program rules, regulations, or policies.

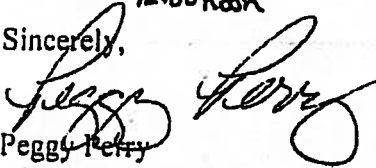
Your conduct also violates HHS Circular C-025, summarizing HHS Ethics Policy adopted in compliance with Chapter 572 of the Texas Government Code for use by all HHS agencies, including DSHS, states:

- You may not accept or solicit any gift, favor, or service from any party that may have an interest in influencing you or your employing HHS agency in the conduct of state business;
- You may not accept an honorarium, i.e., a payment or other monetary compensation, for services you would not have been asked to provide but for your official status with your employing HHS agency; and
- You may not make personal investments or participate in personal relationships that create or may appear to create conflict of interest with your duties as an HHS employee.

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Before I decide what action would be appropriate in this matter, I would like to have you provide me with any information that you feel is relevant to this allegation or which might mitigate the circumstances. You may present this information to me, either orally or in writing or both, no later than ~~11:00 a.m.~~ <sup>12:00 noon</sup> on April 15, 2015.

Sincerely,

  
Peggy Perry  
Director, State Hospital Section

Cc: HHS HR Specialist

I hereby acknowledge that I have received a copy of this Notice:

  
\_\_\_\_\_  
Anthony L. Claxton, M.D.  
Clinical Director  
Terrell State Hospital

Date: 4/14/15 2015