



Texas Medical Board

Mailing Address: P.O. Box 2018 • Austin, Tx 78768-2018
Location Address: 333 Guadalupe Tower 3 Suite 610 Austin TX 78701
Phone (512) 305-7100 • Fax (512) 305-7123

April 15, 2009

ROLANDO GERMAN ARAFILES JR, MD
706 CHAMPIONS ROW
VICTORIA, TX 77904

Re: File # 09-4208 (please refer to this number in future correspondence.)

Dear Doctor ARAFILES:

The Texas Medical Board (TMB) has received a complaint against you. According to state law, Texas Medical Practice Act § 154.067 (a)-(b), all complaints received by the Board against a physician must be evaluated within 30 days, or the complaint is automatically filed for investigation.

As part of this process, TMB rules allow 14 days from the date of this letter for you to respond to this complaint. **Your response is due on or before 04/29/2009.** In order to meet the statutory deadline, no extension can be granted.

Within a 30-day period, the Board must determine if there is a violation of the Medical Practice Act indicated which warrants an official investigation, or if the complaint should be closed without being filed as an official investigation. Your response is important to the Board's evaluation.

These allegation(s) fall under the general statutory violation of:

- 164.051(a)(6) - QC PRACTICE INCONSISTENT WITH PUBLIC HEALTH AND WELFARE - QUALITY OF CARE
- 164.053(a)(5)-NON-THERAPEUTIC PRESCRIBING OR TREATMENT

The complaint allegations specifically relate to:

With regard to care/treatment and prescribing practices for patients:

As part of your response, you are encouraged to include any records or documents you believe are relevant. If you provide a complete copy of your office records (medical and billing), please complete the enclosed Affidavit and attach it to the submitted records. The TMB is HIPAA exempt, which means you can legally provide protected health information without further patient consent.

A determination will be made after considering your response and other available evidence. If a formal investigation is warranted and the complaint is filed, you will receive a notice letter with additional information. If the complaint is not filed, you will be notified in writing within the next few weeks. The complaint and your response, if any, will become part of the agency record of this matter.

Please forward your response and documentation to mail drop MC-263 at the address listed above. If you have any questions, please contact PAM CROCKER at (512) 931-2220.

EXHIBIT

Sincerely,

The Texas Medical Board

Enclosure: Affidavit

JSUB01.doc

18768



ROBERT L. ROBERTS, JR., SHERIFF

TEXAS MEDICAL BC

WINKLER COUNTY

Post Office Box 660
KERMIT, TEXAS 79745
TELEPHONE: 015-588-3461

2009 MAY -8 PM 2:

WINKLER COUNTY
ORGANIZED IN 1910

Texas Medical Board
Mari Robinson Executive Director
P.O. Box 2018
Austin, TX 76768

Ref: File #09-4208

Dear Director Robinson

I am conducting a criminal investigation for the offenses of Misuse of Official Information (PC 39.06) and Harassment (PC 42.07) in the case of the complaint filed with the Texas Medical Board regarding Dr. Rolando G. Arfiles Jr., file # 09-4208. I am requesting a copy of this complaint from the Texas Medical Board to assist with this investigation. I thank you for your cooperation in this matter.

Sincerely,

Sheriff Robert L. Roberts



TEXAS MEDICAL BOARD

May 11, 2009

Robert L. Roberts
Winkler County
PO Box 860
Kermit, TX 79745

COPY

Re: Request for Information Regarding Log #09-4208

Dear Sheriff Roberts:

The Texas Medical Board ("TMB") received your request on May 8, 2009. Enclosed is the following information that is classified as public information:

Public Verification Printout(s)
Disciplinary Order(s)

Some information responsive to your request, however, is confidential, in accordance with Sec. 164.007(c), Texas Occupations Code. The TMB is authorized to provide this confidential information to a law enforcement agency, pursuant to Sec. 164.007(h), which provides:

(h) The board shall cooperate with and assist a law enforcement agency conducting a criminal investigation of a license holder by providing information that is relevant to the criminal investigation to the investigating agency. **Information disclosed by the board to an investigative agency remains confidential and may not be disclosed by the investigating agency except as necessary to further the investigation.**

It is our understanding that your agency is a bona fide law enforcement agency and is conducting a criminal investigation of a license holder of the TMB. It is also our understanding that your agency is authorized to and agrees to maintain the confidentiality of this information, as required by Sec. 164.007(h), Texas Occupations Code. If we are incorrect in any of these understandings, please advise us immediately. TMB is not authorized to provide confidential information unless these assumptions are correct.

Location Address:
333 Guadalupe, Tower 3, Suite 610
Austin, Texas 78701

Mailing Address
MC-251, P.O. Box 2018
Austin, Texas 78768-2018

Phone 512.305.7010
Fax 512.305.7051
www.tmb.state.tx.us

EXHIBIT

This confidential information includes the following:

Copy of complaint

For more information about this request please contact me at my direct number: 512-305-7075.

Yours very truly,

Bonnie Kaderka

Bonnie Kaderka
Open Records Information Specialist

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April 7, 2009

TEXAS MEDICAL BOARD

TO: Texas Medical Board
RE: Dr. R. Arafiles - Active Medical Staff member of Winkler County Memorial
Kermit, TX

2009 APR 13 AM 10:11

The current Administration, with approval of the Medical Staff and Board of Control has approved a policy of "Self Review" which prohibits reporting of any concerns to any Board/ Agency without their being notified of the intent to report.

This issue began when Dr. M. Young was reported last year for abandonment of patients. The Bylaws require that the physician arrange for care by another provider before he/she leaves. This was not done, however, the Administrator was contacted and somehow managed to resolve this issue to the Boards satisfaction. Since that time, he has been able to negotiate with the Medical Staff and Board of Control to have reporting and record review procedures altered to require notification and or approval before any action is taken. In fairness, there is one new Board member who relies on Administration and other Board members to provide accurate information and guidance.

As a patient advocate and registered nurse, it is my duty and responsibility to express my concerns regarding the standard of care that this physician provides to the community. This is a brief list of the patient files that are of concern:

Standard of Care/Patient Safety issue

14820-112282 14813-112192 4109-111654 0180-116288
6553-113402 6553-113450

Patients that are seen in the clinic by Dr. Arafiles are later emailed and encouraged to buy herbal medicines that he sells. These medicines are not sold in the clinic.

In the December meeting of the Medical Staff it was decided that Dr. Arafiles would be given active medical staff privileges. This was done with the proviso that he contacts the Medical Board to remove the restriction on his license. This was to be accomplished within 6 months - June 2009. The current Bylaws require that the privileges be granted to a physician with an unrestricted license. If this is not accomplished, then he could not be on active staff.

The pharmacy has kept a log of intervention necessary due to dosage issues i.e. Vancomycin dosage, dosage in children and MVI usage. Herbal medications are not in the formulary.

Utilization Management was told by Administration, Mr. Wiley not to send any records for review, he would tell UM when that could be started. -Fall 08.

Concerns have been voiced by two other physicians, ED staff, and clinic staff. The Administrator and Board of Control have been notified of these concerns - re: procedures, standards of care. The Chief of Staff, Dr. Pham, requested a meeting for October 16th with Drs. Arafiles and Winton, and A. Mitchell and Mr. Wiley.

EXHIBIT

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Mr. Wiley cancelled the October 16th meeting. Mr. Wiley then cancelled the regular Medical Staff meeting on November 12th and rescheduled for November 26th, the day before Thanksgiving. He cancelled this one also. The privileges for Dr. Arafiles were to be addressed at the November Medical Staff meeting - continuation of provisional (as recommended by Dr. Pham) or appointment to active staff. As stated, Dr. Arafiles was granted active privileges, in December, with the proviso that he gets the restriction removed from his license.

Dr. Pham, Chief of Staff, presented his concerns to the Board of Control at their December meeting. His report consisted of documentation and case review, as well as current standards of care. Dr. Pham has also intervened when supplies were requested by Dr. Arafiles - with the reported intent to perform a procedure in the home of the patient rather than at the hospital. The supplies were not provided.

Due to the "economic climate", the fact that I am over 50, female, and have been employed by this facility since the 1980's; I am hesitant to place a signature on this information. Administration has made it clear that there will be no reporting of any problems without Administrative, Medical Staff and Board notification. This would certainly create an opportunity for Mr. Wiley to remove me from employment.

At the appropriate time I will speak with an investigator, should the Medical Board determine that an investigation is warranted.

Thank you

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