

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, December 13, 2016 8:04:16 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Tuesday, December 13, 2016 12:52 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS MEDICAL BOARD

First Name: Brenda

Last Name: Fox

Title: Texas Medical Board

Organization you are affiliated with: Dr. Calvin Day, Jr.

Email:

City: Corpus Christi

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Dr. Calvin Day, Jr. had his Medical License suspended by the Texas Medical Board on June 14, 2011. He had been arrested but, since then, all criminal charges have been dismissed. There should be no reason why his medical license cannot be reinstated.

I support Dr. Day in the plea to have his Medical License reinstated! He was not accused of malpractice! It would be an injustice to deprive such a gifted man of his talent and profession! It would also be an injustice to deprive the public of such a gifted doctor!

THERE WAS HARM DONE BY THE TEXAS MEDICAL BOARD on June 14, 2011 when they sent a fax to Dr. Day's office to let him know his Texas Medical License had been suspended! There was no regard to the domino effect that was set in motion! Such an injustice! Shameful! No regard to the patients in treatment rooms with open cancer wounds who had to be sent for plastic surgery elsewhere because Dr. Day could not finish their surgeries because of the TMB, not to mention all of the patients throughout the office with fear of their own health safety. The suspension did not allow Dr. Day to be able to close his office properly, to help secure his staff with gainful employment, but most importantly work with his patients' transition to other health care professionals. There was a delay in his patients' care while waiting to see another doctor. For many, the wait put their growing cancer at a higher risk!

Personally, Dr. Day lost his business, his patients, loyal staff members, his marriage, one of his sons to suicide. Criminal charges were dismissed, but the Texas Medical Board still have 'charges against him' because they refuse to let Dr. Day get on with his profession and his life!

THIS IS HARM DONE BY THE TEXAS MEDICAL BOARD!

Without due process, Without any warning, Without giving Dr. Day the opportunity to defend himself... One is innocent until proven guilty...
THIS IS STILL AMERICA!

I WILL LEAVE YOU WITH ONE QUESTION;

IF YOU WERE SUSPENDED FROM YOUR JOB, HOW MANY PEOPLE WOULD YOUR LIFE TOUCH?

OVER DR. DAY'S YEARS OF PRACTICE HE HAD 40,000 PATIENTS WITH 14,000 ACTIVE PATIENTS WHEN

HARM WAS DONE BY THE TEXAS MEDICAL BOARD ON JUNE 14, 2011.

Any Alternative or New Recommendations on This Agency:

1. I BELIEVE IF THE TEXAS MEDICAL BOARD CANNOT CARRY THEMSELVES WITH DIGNITY AND SHOW RESPECT TO SUCH NOTED AND HIGHLY RESPECTED MEDICAL PROFESSIONAL, PRACTICE, OR BUSINESS THE AGENCY SHOULD BE ABOLISHED!
2. THE TEXAS MEDICAL BOARD SHOULD DO AS OTHER HEALTH LICENSING BOARDS AND REQUIRE A PROBABLE CAUSE HEARING BEFORE A SOAH JUDGE IN ORDER TO ENACT A TEMPORARY SUSPENSION OF A HEALTH PROFESSIONALS LICENSE. THE TMB SHOULD BE REQUIRED TO BE HELD TO THE SAME DUE PROCESS AS OTHER HEALTH LICENSING BOARDS.
3. THE TEXAS LEGISLATURE SHOULD ENACT LAWS THAT PREVENT THE BOARD FROM ENACTING THE TEMPORARY SUSPENSION OF A PHYSICIAN'S LICENSE SOLELY OFF AN ARREST OR EVEN AN INDICTMENT; PEOPLE ARE INNOCENT UNTIL PROVEN GUILTY!
4. EVEN WHEN A SOAH JUDGE RULES THAT A TEMPORARY SUSPENSION IS WARRANTED, THE DOCTOR SHOULD BE GIVEN 90 DAYS TO SHUT DOWN

HIS OR HER PRACTICE TO AVOID HARM TO HIS OR HER PATIENCE, TO ENSURE AN ORDERLY TRANSFER OF CARE, AND TO ALLOW STAFF TO FIND OTHER JOBS. THE TEXAS LEGISLATURE SHOULD ENACT SUCH A 90 DAY LAW TO ENSURE PUBLIC SAFETY.

5. THE TEXAS LEGISLATURE SHOULD TAKE AWAY THE TEXAS MEDICAL BOARD'S POWER TO STOP A PHYSICIANS PRACTICES WITHOUT NOTICE BECAUSE IT CAUSES PUBLIC HARM.

My Comment Will Be Made Public: I agree