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Sunset Commission Testimony

In the 2006-2007 time frame, I worked for a company, The Fibromyalgia and Fatigue Centers, that had 15 clinics around the country. A patient turned me into the TMB for being a "pill mill". The TMB determined that was not the case, but through discovery of her chart, decided they didn't like a single IV she had been given, our Pain IV. The IV included several ingredients, one of which was low dose Lidocaine. Our patients responded well to this treatment with up to six weeks of pain relief. We could avoid using opioids in this scenario. The TMB decided that they didn't like the Lidocaine in the IV and ordered me to stop them. Then they fined me \$2000, even though I did not have a single bad outcome. My company continued to use them safely and successfully throughout the USA, but we could not use them in Texas.

In 2011, I was sent notice that the TMB was investigating 12 patients from 2 clinics where I was working. They were 4 "A" last names, 4 "B" last names and 4 "C" last names. I could see no commonality amongst these patients. It was not until I received the full complaint about these patients did I see the common factor. I had written them all pain medications.

The complaint was not about pain medications, yet they had 25 complaints of negligent care on each one of them. I guess "discovery" again. The one outstanding complaint was that I had offered too much care for the Chronic Fatigue Syndrome and Fibromyalgia because the only accepted therapy was graded exercise and cognitive behavioral therapy. They neglected to add that the Pharmaceutical industry had 3 prescription products for Fibromyalgia, Cymbalta, Savella and Lyrica.

I refused to accept the order at the Informal Hearing. We then went into mediation, and they backed down considerably. At the end, there was no fine. They just wanted to review 30 charts every 3 months for 3 years. We accepted and were told it would cost around \$1000 dollars per each review. Actually, they charged me anywhere from \$2600 to \$2800 per review, leading to a total cost of \$30,000 over the 3 years. They determined in the end that there were really no problems with my care of these randomly picked patients.

There seems to be no real evidence of bad outcomes, yet the TMB has seen fit to go after nebulous complaints about me without any real credence of evidence. The costs of attorney fees, missed time from seeing patients, fines and fees for reading charts has been exorbitant! There seems to be a concerted effort to harass physicians who practice Integrative or Complimentary Medicine and to bankrupt them to the point where they leave the state of Texas. Most times, we are never told who the accuser is.

Sincerely,

William M. Spurlock, MD