



TEXAS MEDICAL BOARD

March 15, 2022

Robert Montoya
Texas Scorecard

Re: Open Records Request Regarding Eric Hensen, D.O.

Dear Robert Montoya:

We received your open records request on March 9, 2022. As you requested, enclosed are copies of the following documents:

Public Verification Printout
2021 Remedial Plan

Information and material related to an investigation of a license holder is confidential, pursuant to section 164.007(c) of the Medical Practice Act and Previous Determination Letter Ruling OR2007-03117, dated March 22, 2007, issued by the Office of the Attorney General. A copy of the predetermination letter is attached for your convenience.

Please contact me if you need further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Christine Rodriguez".

Christine Rodriguez
Open Records Coordinator
TEXAS MEDICAL BOARD



PUBLIC VERIFICATION / PHYSICIAN PROFILE

PHYSICIAN

NAME: ERIC LOGAN HENSEN DO

DATE: 03/10/2022

**THE INFORMATION IN THIS BOX HAS BEEN VERIFIED
BY THE TEXAS MEDICAL BOARD**

Date of Birth: 1962

License Number: R0868 Full Medical License

Issuance Date: 12/02/2016

Expiration Date of Physician's Registration Permit: 02/28/2024

Registration Status: ACTIVE

Registration Date: 03/28/2017

Disciplinary Status: NONE

Disciplinary Date: NONE

Licensure Status: NONE

Licensure Date: NONE

Medical School of Graduation:

At the time of licensure, TMB verified the physician's graduation from medical school as follows:
MICHIGAN STATE UNIV, COLL OF OSTEO MED, EAST LANSING

Medical School Graduation Year: 1993

TMB Filings, Actions and License Restrictions

The Texas Medical Board has the following board actions against this physician. (This may include any formal complaints filed by TMB, as well as petitions and/or responses related to licensure contested matters, at the State Office of Administrative Hearings.)

View the documents containing action taken by the Board against this individual.

[View Board Actions](#)

[Get Adobe Reader](#)

Action Date: 10/15/2021

Description: ON OCTOBER 15, 2021, THE BOARD AND ERIC LOGAN HENSEN, D.O., ENTERED INTO A NON-DISCIPLINARY REMEDIAL PLAN THAT REQUIRES DR. HENSEN TO WITHIN ONE YEAR AND THREE ATTEMPTS PASS THE JURISPRUDENCE EXAM; WITHIN ONE YEAR COMPLETE AT LEAST EIGHT HOURS OF CME, DIVIDED AS FOLLOWS: FOUR HOURS IN THE TOPIC OF RISK MANAGEMENT AND FOUR HOURS IN THE TOPIC OF ETHICS; AND WITHIN 60 DAYS PAY AN ADMINISTRATIVE FEE OF \$500 PER YEAR. THE BOARD FOUND DR. HENSEN FAILED TO WEAR A FACE MASK WHEN IT WAS REQUIRED BY EXECUTIVE ORDER AND AN EMERGENCY BOARD RULE. DR. HENSEN DID NOT WEAR THE MASK BECAUSE HE

DISAGREED WITH THE REQUIREMENT. DR. HENSEN DOES NOT ADMIT OR DENY THE FINDINGS BUT AGREED TO THE REMEDIAL PLAN TO AVOID THE COST AND UNCERTAINTY OF LITIGATION.

Investigations by TMB of Medical Malpractice

Section 164.201 of the Act requires that: the board review information relating to a physician against whom three or more malpractice claims have been reported within a five year period. Based on these reviews, the following investigations were conducted with the listed resolutions.

NONE

Status History

Status history contains entries for any updates to the individual's registration, licensure or disciplinary status types (beginning with 1/1/78, when the board's records were first automated). Entries are in reverse chronological order; new entries of each type supersede the previous entry of that same type. These records do not display status type. Should you have any questions, please contact our Customer Information Center at 512-305-7030 or verificic@tmb.state.tx.us

Status Code: AC **Effective Date:** 03/28/2017
Description: ACTIVE

Status Code: DQ **Effective Date:** 03/02/2017
Description: DELINQUENT-NON PAYMENT

Status Code: LI **Effective Date:** 12/02/2016
Description: LICENSE ISSUED

**THE INFORMATION IN THIS BOX WAS REPORTED BY THE LICENSEE AND
HAS NOT BEEN VERIFIED BY THE TEXAS MEDICAL BOARD**

Gender: MALE

***Ethnicity:** DID NOT ANSWER

Race: WHITE

* We are in the process of transitioning from the current ethnic origin values to federal standards for race and Hispanic origin. The transition period will allow time for individuals to submit updated race and Hispanic origin data to the TMB.

Place of Birth: MICHIGAN

Current Primary Practice Address:

112 MEDICAL DR
PALESTINE , TX 75801

Years of Active Practice in the U.S. or Canada:

The physician reports that he/she has actively practiced medicine in the United States or Canada for **27** year(s).

Years of Active Practice in Texas:

The physician reports that, of the above years he/she has actively practiced in the State of Texas for **1** year(s).

Specialty Board Certification

The physician reports that he/she holds the following specialty certifications issued by a board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists:

Specialty Certification: AMERICAN OSTEO BOARD OF OPH & OTO/FACIAL PLASTIC SURGERY

Date: 1999

Primary Specialty

The physician reports his/her primary practice is in the area of OTOLARYNGOLOGY.

Secondary Specialty

The physician reports his/her secondary practice is in the area of HEAD AND NECK SURGERY.

Name, Location and Graduation Date of All Medical Schools Attended

Name: MICHIGAN STATE UNIVERSITY COLLEGE OF OSTEOPATHIC MEDICINE

Location: EAST LANSING, MI

Graduation Date: 1993

Graduate Medical Education In The United States Or Canada

Program Name: MT. CLEMENS REGIONAL MEDICAL CENTER

Location: MOUNT CLEMENS, MI **Begin Date:** 7/1993

Type: INTERNSHIP **End Date:** 06/1994

Specialty: ROTATING INTERNSHIP

Program Name: ST. JOHN HOSPITAL MEDICAL CENTER

Location: GROSEE POINTE, MI **Begin Date:** 7/1994

Type: RESIDENCY **End Date:** 06/1995

Specialty: SURGERY

Program Name: TULSA REGIONAL MEDICAL CENTER

Location: TULSA, OK **Begin Date:** 7/1995

Type: RESIDENCY **End Date:** 07/1998

Specialty: HEAD & NECK AND FACIAL PLASTIC SURGERY

Hospital Privileges

The physician reports that he/she has hospital privileges in the following in the State of Texas:

Hospital: PALESTINE REGIONAL MEDICAL CENTER

Location: PALESTINE

Utilization Review

The physician did not report whether he/she provides utilization review.

NONE REPORTED

Patient Services

Accessibility: The physician reports that the patient service area **is** accessible to persons with disabilities as defined by federal law.

Language Translation Services: The physician reports that the following language translation services are provided for patients: ENGLISH

Medicaid Participant: The physician reports that he/she **does not** participate in the Medicaid program.

Awards, Honors, Publications and Academic Appointments

Optional Information

The physician may optionally report descriptions of up to five such honors and has reported the following:

NONE

Malpractice Information

Section 154.006(b)(16) of the Act requires that: a physician profile display a description of any medical malpractice claim against the physician, not including a description of any offers by the physician to settle the claim, for which the physician was found liable, a jury awarded monetary damages to the claimant, and the award has been determined to be final and not subject to further appeal. The physician has the following reportable claims.

Description: NONE

Criminal History

Self-Reported Criminal Offenses:The physician is required to report a description of (1) "any conviction for an offense constituting a felony, a Class A or Class B misdemeanor, or a Class C misdemeanor involving moral turpitude" and (2) "any charges reported to the board to which the physician has pleaded no contest, for

which the physician is the subject of deferred adjudication or pretrial diversion, or in which sufficient facts of guilt were found and the matter was continued by a court of competent jurisdiction."

The physician has reported the following:

Description: NONE

Criminal history information is also obtained by TMB from the Texas Department of Public Safety. Resulting action, if any, will be reported under the TMB Action and Non-Disciplinary Restrictions section above.

Disciplinary Actions By Other State Medical Boards

The physician has reported the following:

Description: NONE

Physician Assistant Supervision

To obtain primary source verifications, click name

Description: NONE

Advanced Practice Nurse Delegation

To obtain primary source verifications, click name

Description: NONE

Summary of all License/Permit Types

Issue Date:

11/08/2016

Type:

[PHYSICIAN TEMPORARY LICENSE](#)

12/02/2016

[LICENSED PHYSICIAN](#)



TEXAS MEDICAL BOARD

REMEDIAL PLAN
ERIC LOGAN HENSEN, D.O.
LIC. NO. R0868

On the 15 day of October, 2021, this matter came on to be heard before the Texas Medical Board (Board). On May 25, 2021, Respondent appeared with counsel, Andy Tindel, at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. This Remedial Plan was offered by Sharon J. Barnes, a member of the Board, and Ivan Rovner, M.D., a member of a District Review Committee. Melissa Mendoza represented Board Staff and prepared this Remedial Plan. Respondent was represented by Franklin Hopkins.

FINDINGS

Board Staff charged that Respondent failed to wear a face mask when it was required by Executive Order and an Emergency Board Rule. Respondent did not wear the mask because he disagreed with the requirement.

Respondent does not admit or deny the Findings and Conclusions of Law contained herein but, rather, has agreed to settle in good faith to avoid the cost, expense, and uncertainty of litigation.

BOARD HISTORY

Respondent has not had a prior Order or Remedial Plan with the Board.

MITIGATING FACTOR

Respondent cooperated in the investigation of the allegations that resulted in this Remedial Plan.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and Respondent pursuant to Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (Act).
2. Section 164.052(a)(5) of the Act and Board Rule 190.8(2)(U)(i)(I) authorizes the Board to take action against Respondent.
3. Section 164.0015 of the Act authorizes the Board to resolve this matter with a Remedial Plan.
4. Section 164.002(d) of the Act provides that this Remedial Plan is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

REMEDIAL PLAN TERMS

Based on the above, Respondent shall:

1. Within one year following the date of the entry of this Remedial Plan, Respondent shall take and pass with a score of 75 or above the Jurisprudence Examination (JP Exam) given by the Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Remedial Plan shall constitute a violation of this Remedial Plan. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY**

WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.

Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

2. Within one year from the date of the entry of this Remedial Plan, Respondent shall enroll in and successfully complete at least eight hours of continuing medical education (CME) approved for Category I credits by the American Medical Association or the American Osteopathic Association, divided as follows: four hours in the topic of risk management, and four hours in the topic of ethics. The CME shall be approved in writing in advance by the Executive Director or a designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

3. The cost of administering the Remedial Plan will be \$500 per year. Payment of this cost is due no later than 60 days after the date of entry of this Remedial Plan. The cost shall be paid by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Executive Director for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund.

4. The terms of this Remedial Plan are not subject to modification or early termination.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating Respondent's practice.

6. Respondent shall fully cooperate with the Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way

involved in investigation, review, or monitoring associated with Respondent's compliance with this Remedial Plan.

7. Any violation of the terms, conditions, or requirements of this Remedial Plan by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that any proceeding related to this Remedial Plan may be held in person, by teleconference, or by videoconference at the discretion of the Board.

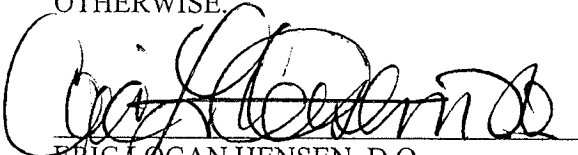
8. This Remedial Plan shall automatically terminate upon Respondent's submission to the Board of evidence deemed to be sufficient by the Compliance Division of the Board that Respondent successfully completed the requirements set forth in the Remedial Plan Terms Paragraph Nos. 1, 2, and 3.

THIS REMEDIAL PLAN IS A PUBLIC RECORD.

THIS REMEDIAL PLAN IS NON-DISCIPLINARY.

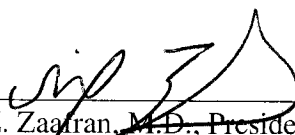
(SIGNATURE PAGES FOLLOW)

I, ERIC LOGAN HENSEN, D.O., HAVE READ AND UNDERSTAND THE FOREGOING REMEDIAL PLAN. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS REMEDIAL PLAN IS A FINAL, NON-APPEALABLE AGREEMENT THAT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.


ERIC LOGAN HENSEN, D.O.
Respondent

10/01/2021
DATE

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
15 day of October, 2021.



Sherif Z. Zafran, M.D., President
Texas Medical Board



Copy

ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 22, 2007

Mr. Robert D. Simpson
Assistant General Counsel
Texas Medical Board
P.O. Box 2018
Austin, Texas 78768-2018

OR2007-03117

Dear Mr. Simpson:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID#274600.

The Texas Medical Board (the "board") received a request for all information relating to a named physician, including complaints filed against the named physician and disciplinary action taken against the named physician. You state that the board has provided the requestor with a copy of the public verification and physician profile information for the named physician, including any disciplinary actions, and other information that the board believes is not excepted from required public disclosure.¹ You state that you are withholding responsive information pursuant to a previous determination issued by our office in Open Records Letter No. 2006-14198 (2006). *See* Gov't Code § 552.301(a) (allowing a governmental body to withhold information subject to a previous determination). Open Records Decision No. 673 (2001). You claim that the remainder of the responsive information is excepted from disclosure under section 552.101 of the Government Code. We

¹We note that the Texas Medical Practice Act, subtitle B of title 3 of the Occupations Code, requires the board to make public certain information concerning physicians licensed in this state. *See* Occ. Code §§ 154.004 (requiring board to make public on request summary of any previous disciplinary board order against specific physician licensed in Texas), .006 (requiring board's compilation of physician profiles in format easily available to the public).

have considered the exception you claim and reviewed the submitted representative sample of information.²

Section 552.101 of the Government Code excepts from public disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This exception encompasses information made confidential by section 164.007(c) of the Occupations Code. Section 164.007(c) of the Occupations Code provides as follows:

(c) Each complaint, adverse report, investigation file, other investigation report, and other investigative information in the possession of or received or gathered by the board or its employees or agents relating to a license holder, an application for license, or a criminal investigation or proceeding is privileged and confidential and is not subject to discovery, subpoena, or other means of legal compulsion for release to anyone other than the board or its employees or agents involved in discipline of a license holder. For purposes of this subsection, investigative information includes information relating to the identity of, and a report made by, a physician performing or supervising compliance monitoring for the board.

Occ. Code § 164.007(c). Section 164.007(c) is applicable to investigatory records compiled by the board during an investigation of a license holder. You indicate that the submitted information consists of investigative information that was received or gathered by the board and that relates to a license holder. Based on your representations and our review of the submitted information, we conclude that the submitted information is confidential under section 164.007(c). You do not inform us that the board is authorized to release the information in question to this requestor. *See id.* 164.007(d), (f)-(h). Therefore, the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 164.007(c) of the Occupations Code.

Furthermore, this letter ruling shall serve as a previous determination under section 552.301 of the Act that investigative information that is in the possession of or was received or gathered by the board during the investigation of a license holder is excepted pursuant to section 552.101 of the Government Code in conjunction with section 164.007 of the Occupations Code. *See Gov’t Code § 552.301(a), (f); see also Open Records Decision No. 673 (2001).* However, this previous determination does not authorize the board to withhold information when sections 164.007(d), (g), and (h) are applicable. Furthermore,

²We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision Nos. 499 (1988), 497 (1988).* This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

this ruling does not prohibit the board from releasing information as authorized by section 164.007(f). Additionally, this previous determination is not applicable to information to which the requestor may have a right of access under any other provision of law. *See, e.g.*, Occ. Code § 159.002 *et seq.* (medical records). Thus, so long as the elements of law, fact, and circumstances do not change so as to no longer support the findings set forth above and unless otherwise authorized to release according to law, the board need not ask for a decision from this office again with respect to this type of information requested of the board under Chapter 552 of the Government Code. *See Gov't Code § 552.301(a), (f); see also Open Records Decision No. 673 (2001).*

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Cobos", with a stylized flourish at the end.

Lori A. Cobos
Assistant Attorney General
Open Records Division

LC/eb

Ref: ID# 274600

Enc. Submitted documents

c: Ms. Victoria Pepper
Davis, Gerald & Cremer, P.C.
P.O. Box 2796
Midland, Texas 79702-2796
(w/o enclosures)