

LICENSE NO. N-4852

IN THE MATTER OF  
THE LICENSE OF  
GUOXIN WU, M.D.

BEFORE THE DISCIPLINARY  
PANEL OF THE  
TEXAS MEDICAL BOARD

ORDER OF TEMPORARY RESTRICTION  
(WITH NOTICE OF HEARING)

On August 30, 2021, at the direction and approval of Sherif Z. Zaafran, M.D., President of the Texas Medical Board (Board), three members of the Board were appointed to sit as a Disciplinary Panel (Panel) in the matter of the Application for Temporary Suspension (With Notice of Hearing) of the license of Guoxin Wu, M.D. (Respondent) pursuant to §164.059(a) of the Medical Practice Act (Act). Respondent appeared with counsel, Matthew B. E. Hughes. Samer Shobassy represented Board staff. Based on evidence submitted, the Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension (With Notice of Hearing):

**FINDINGS OF FACT**

1. Respondent is a physician engaged in the practice of Anesthesiology and is not board certified. Respondent resigned privileges to Baptist Beaumont Hospital (“Baptist”) while under investigation regarding the allegations discussed below, However, Respondent still maintains privileges and actively practices at Christus St. Elizabeth and Riceland Surgical Hospital in Beaumont.
2. Board staff has learned that on or about May 18, 2021, a required report was made by Baptist to the National Practitioner Data Bank (NPDB) regarding Respondent’s voluntary resignation of privileges at Baptist while under investigation. Based on required reporting, Respondent “was the subject of complaints by nursing staff for placing his hands under patient covers/blankets during administration of anesthesia.” Although required, no report was made to the Texas Medical Board.
3. A nurse at Baptist (“Nurse”) on April 22, 2021 reported three incidents that made her feel uncomfortable regarding Respondent. She stated she saw Respondent’s hands under

female patients' blankets on three different occasions, with the latest incident resulting in her reporting the prior two which happened at least six months prior to the April 2021 incident reported. Nurse was concerned Respondent was inappropriately touching patients. All the noted incidents involved female minors undergoing endoscopy procedures.

4. On April 23, 2021, Respondent was requested by a telephone call from the Baptist Chief of Staff to voluntarily remove himself from all anesthesia schedules at Baptist until further notice in order for Baptist to complete a review of the allegations. Respondent obliged, according to a letter dated April 26, 2021, and was scheduled to meet with members of a Quality Improvement Committee (QIC) on April 28, 2021 to discuss the allegations.
5. In response to inquiries by the QIC, Respondent alleged he reached under the blanket to clean up patient stool following the procedure. Following the meeting, the QIC elected to recommend to the Medical Executive Committee (MEC) on May 4, 2021 that Respondent resign his Baptist privileges based on "a trend of these allegations that cannot be ignored."
6. On May 7, 2021, Respondent was invited to meet with an Ad Hoc Committee (AHC) of the MEC convened for the purpose of further explaining his actions. This meeting was to be held on May 12, 2021. However, Respondent resigned his privileges by letter on May 17, 2021.
7. On May 18, 2021, Baptist reported that Respondent "was the subject of complaints by nursing staff for placing his hands under patient covers/blankets during administration of anesthesia."
8. A Summary of Investigative Findings by the AHC addressed to the MEC dated May 19, 2021, detailed Respondent's history of similar allegations at Baptist. A total of eight incidents were reported by staff members from 2013 until the present time. All cases involve Respondent fondling female minors during endoscopy procedures and took place in a darkened room where the only attendees during procedures are the proceduralist, the anesthesiologist (Respondent), and two hospital staff members.
9. Previously disciplinary measures taken by Baptist in March 2018 included the requirement Respondent complete a continuing medical education course within two weeks. Respondent completed a course entitled "Boundaries for Physicians: The Code of Medical Ethics." Additionally, Respondent vowed to change the pattern of practice that resulted in the original complaints by Baptist staff. Despite corrective measures, the behavior repeated

itself and culminated in the complaint made by Nurse.

### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Panel concludes the following:

1. Respondent's conduct, as described above, shows that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare, as defined by Section 151.002(a)(2) of the Act. Continuing threat means "a real danger to the health of a physician's patients or to the public from acts or omissions of the physician caused through the physician's lack of competence, impaired status, or failure to care adequately for physician's patients."

2. Section 164.059 of the Act authorizes the Disciplinary Panel to temporarily suspend or restrict the medical license of Respondent if the Disciplinary Panel determines from evidence presented to it that the Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public, and further defined by Board Rules: 190.8(2)(C), providing false information to the Board; 190.8(2)(E), engaging in sexual contact with a patient; 190.8(2)(F), engaging in sexually inappropriate behavior or comments directed towards a patient; 190.8(2)(K), behaving in an abusive or assaultive manner towards a patient or patient's family that interferes with patient care; and, 190.8(2)(R), commission of the following violations of federal and state laws whether or not there is a complaint, indictment, or conviction: (i) any felony; or, (ii) any offense in which assault or battery, or the attempt of either is an essential element.

4. 22 TEX. ADMIN. CODE, Chapter 187, sets forth the Board's Procedural Rules for all Board proceedings. 22 TEX. ADMIN. CODE, Chapter 187, Subchapter F sets forth the Board's Rules regarding temporary suspension proceedings.

5. Based on the evidence presented and the above Findings of Fact and Conclusions of Law, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

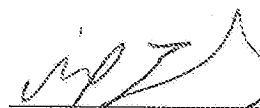
**ORDER**

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that Respondent's Texas medical license is hereby TEMPORARILY RESTRICTED as follows:

1. Respondent shall not see, examine, treat, prescribe to, consult on, or otherwise practice medicine on female patients, including telemedicine.
2. This Order of Temporary Restriction (WITH NOTICE OF HEARING) is effective on the date rendered.
3. This Order of Temporary Restriction (WITH NOTICE OF HEARING) shall remain in effect until it is superseded by an order of the Board.

**[SIGNATURE PAGE FOLLOWS]**

Signed and entered this 30th day of August, 2021.



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Sheriff Z. Zaafran, M.D.  
Chair, Disciplinary Panel  
Texas Medical Board