



TEXAS MEDICAL BOARD

REMEDIAL PLAN
OLIVER LEE KESTERSON III, M.D.
LICENSE NO. F9664

On the 19 day of August, 2022, this matter came on to be heard before the Texas Medical Board (Board). This Remedial Plan was offered by a Quality Assurance Panel of the Board and prepared by Claudia Kirk. Respondent was not represented.

FINDINGS

Respondent failed to keep adequate medical records for one patient, for whom he performed a laminectomy with instrumentation and fusion. Specifically, Respondent failed to document his rationale for the change of the surgical procedure on his operative report.

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 FACTORS

1. Respondent has no prior Board history.
2. 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 164.051(a)(3) of the Act, as further defined by Board Rule 165.1, 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 enroll in and successfully complete at least eight hours of continuing medical education (CME) divided as follows: four hours in the topic of medical recordkeeping; and four hours in the topic of risk management. The CME shall be approved for Category I credits by the American Medical Association or the American Osteopathic Association and approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board 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 Division of the Board 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.

2. 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.

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

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

5. 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.

6. 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.

7. 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 and 2.

THIS REMEDIAL PLAN IS A PUBLIC RECORD.

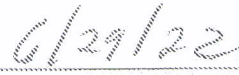
THIS REMEDIAL PLAN IS NON-DISCIPLINARY.

(SIGNATURE PAGES FOLLOW)

I, OLIVER LEE KESTERSON III, M.D., 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.

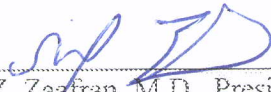


OLIVER LEE KESTERSON III, M.D.
Respondent



DATE

19 SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
day of August, 2022.



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