

IN THE MATTER OF  
ANTONIO GIOVANNI PALETTA

BEFORE THE  
TEXAS MEDICAL BOARD

**CEASE AND DESIST ORDER**

On the 24<sup>th</sup> day of October, 2014, this matter was heard before the Texas Medical Board (Board). Antonio Giovanni Paletta, (Respondent), after receiving proper notice appeared in person, with counsel Jerri Ward.

The Board was represented by two Board member panelists presiding.

After hearing the evidence presented by Board Staff and based on Respondent's violations of the Medical Practice Act (the Act), Tex. Occ. Code Ann., Title 3, Subtitle B, (the Act), and the Healing Art Identification Act, the Panel makes the following Findings and Conclusions of Law and directs the Executive Director of the Board to execute this Cease and Desist Order pursuant to authority granted to her by the Board.

**FINDINGS**

The Board finds that:

1. Respondent received all notice required by law and all jurisdictional requirements have been satisfied.
2. Respondent is not licensed as a physician in the State of Texas.
3. Respondent has been engaging in the unlicensed practice of medicine in the State of Texas.
4. Respondent received a Bachelor of Philosophy Degree from Wayne State University in June 1979, and in June 1985, he received a diploma of Doctor en Medicina from the Universidad Eugenio Maria de Hostos in the Dominican Republic (Universidad). The Universidad is not on the Board's Substantial Equivalence List, which is a list of schools whose graduates have demonstrated substantial equivalence of their education. Consequently, Respondent is not eligible to obtain a license to practice medicine in Texas with his diploma from Universidad.

5. Respondent attended Wayne State University School of Medicine for approximately one year before he was expelled on or about August 5, 1981, for failing a make-up exam.

6. Respondent holds a permit or Pastoral License that authorizes and directs him to provide pastoral services within the scope of his training in accordance with standards established by the Pastoral Medical Association (PMA).

7. On February 20, 2014, Patient was admitted into hospice care in the State of Michigan.

8. At the time of admission, the Patient was minimally responsive, suffered Cheyne-Stokes respirations with apnea lasting 30-40 seconds every minute, and had been bedbound for one week taking nothing by mouth except forced spoons of fluid for three days.

9. The Patient's nurse reported that the Patient's daughter told her that she had been in frequent contact with Respondent, whom she believed to be a doctor, for medical advice. The daughter further stated that Respondent advised her to administer a saline enema to Patient to hydrate and revive him for four weeks. Respondent represented that he had performed a similar treatment on his own mother.

10. After the first saline enema did not work, the daughter told Patient's nurse that Respondent told her to repeat the process because Patient's gastrointestinal system was plugged with stool. A total of three saline enemas were administered unsuccessfully, and when that did not work, Respondent contacted Patient's attending physician and instructed her that Patient needed intravenous (IV) hydration.

11. Patient's nurse reported that Patient's physician subsequently removed herself from Patient's case due to Respondent's interference.

12. On or about January 18, 2014, in a printed advertisement for Peoples Rx Pharmacy, Respondent held himself, or allowed another to hold him, out as a doctor by listing Respondent's name as "Dr. Antonio Paletta, M.D., PSc.D.," and during the airing of a local radio show, Respondent appeared as a guest to discuss the topic of mineral deficiency and optimal health and wellness and allowed others to address him as "Doctor" numerous times and confirmed that he was an "M.D.," without disclosing that he is not licensed to practice medicine in Texas and without designating the authority under which the title M.D. was used or the college or honorary degree that gives rise to the use of the title.

13. On or about late January 2014, Respondent appeared as a guest on another local radio show and spoke about acid reflux and gall bladder dysfunction. During the course of the show Respondent allowed others to address him as "Doctor" on numerous occasions and confirmed that he was an "M.D.," without disclosing that he is not licensed to practice medicine in Texas and without designating the authority under which the title M.D. was used or the college or honorary degree that gives rise to the use of the title.

14. On or about February 1, 2014, Respondent appeared as a guest on another local radio show to talk about how digestion, sleep, and neurochemistry blend together. Respondent allowed others to address him as "doctor," without disclosing that he is not licensed to practice medicine in Texas and without designating the authority under which the title M.D. was used or the college or honorary degree that gives rise to the use of the title.

#### CONCLUSIONS OF LAW

Based on these Findings, the Board concludes the following:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the TEX. OCC. CODE, Title 3, Subtitle B, the Medical Practice Act ("Act").

2. Section 155.001 of the Act provides that a person may not practice medicine in this state unless the person holds a license issued under the subtitle.

3. TEX. OCC. CODE section 104.004, of the Healing Art Identification Act, provides that an individual using the title "doctor" must designate the authority under which the title is used or the college or honorary degree that gives rise to the use of the title.

4. Section 165.151 of the Act provides that a person commits an offense if the person violates the Act, or any rule of the Texas Medical Board.

5. Section 165.156 of the Act prohibits Respondent from using any letters, words or terms affixed on stationary or on advertisements or in any other manner to indicate that he is entitled to practice medicine.

6. Section 165.159 of the Act states that a person commits an offense if the person practices medicine without complying with the registration requirement imposed by the Act.

7. Section 165.052(a) of the Act authorizes the Board to issue a cease and desist order prohibiting a person from engaging in any activity in violation of the Act.

8. Section 165.052(b) of the Act provides that a violation of an Order under Section 165.052(a) constitutes grounds for imposing an administrative penalty under TEX. OCC. CODE, Title 3, Subtitle B, Chapter 165, Subchapter A, which allows for an administrative penalty of up to \$5,000 for each violation to be assessed, and each day a violation continues constitutes a separate violation.

9. Board Rule 187.83(f) authorizes the Panel to direct the Executive Director to issue a Cease and Desist Order, effective immediately, in accordance with Section 165.052 of the Act.

10. Sections 165.101 and 165.103 of the Act provide that any violation of this Order constitutes grounds for imposing a civil penalty of up to \$1,000 for each violation and each day a violation continues constitutes a separate violation, and for recovery of the reasonable expenses in obtaining a civil penalty.

11. Board Rule 187.84 authorizes the Board to impose an administrative penalty against the Respondent and/or to refer the matter to the Attorney General to institute action: for an injunction against violation of the Order; for any administrative penalty assessed by the Board; for a civil penalty in accord with Section 165.101 of the Act; for expenses in accordance with Section 165.103 of the Act; and for any other remedy provided by law.

### ORDER

Based on the Findings and Conclusions of Law, the Board ORDERS that:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Texas.

2. Respondent is prohibited from acting as, or holding himself out to be, a physician, or in any express or implied manner, exercising the medical practice authority of a physician in the State of Texas.

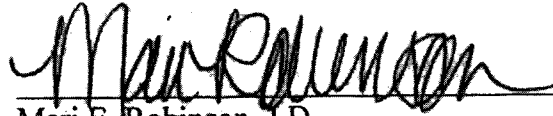
3. Respondent shall not refer to himself as a doctor or physician in any manner, including by referring to himself as "doctor," "Dr.," or "M.D." unless he also designates the authority under which the title is used or the college or honorary degree that gives rise to the use of the title.

4. Respondent shall cease and desist: engaging in any practice of medicine; engaging in any express or implied actions in the guise of a physician; and engaging in any exercise of the

medical practice authority of a physician, in the State of Texas after the effective date of this Order.

**THIS ORDER IS A PUBLIC RECORD.**

SIGNED AND ENTERED by Executive Director of the Texas Medical Board pursuant to the direction of the Panel on this 27<sup>th</sup> day of October 2014.



Mari E. Robinson, J.D.  
Executive Director  
Texas Medical Board