

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

PHILIP STEPHEN CZEKAJ, M.D.

TEXAS MEDICAL BOARD

ADMINISTRATIVE AGREED ORDER

On the 8 day of June, 2007, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Philip Stephen Czeka, M.D. ("Respondent").

By the signature of the Respondent on this Administrative Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to Section 164.004, Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code ("Act") and Board Rule 187.18 and all rights pursuant to Sections 2001.051 and 2001.054, Texas Government Code, including, but not limited to the right to notice and hearing, and instead agrees to the entry of the Administrative Agreed Order pursuant to Section 164.0025 of the Act and Board Rule 187.14. John Heisler represented Board staff.

With the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Administrative Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Act or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. G-4946. Respondent was originally issued this license to practice medicine in Texas on August 27, 1983. Respondent is not licensed to practice in any other state.

3. Respondent is primarily engaged in the practice of emergency medicine and is board certified in this specialty by the American Board of Emergency Medicine, a member board of the American Board of Medical Specialties.

4. Respondent is 51 years of age.

5. Respondent has not received a disciplinary order from the Board.

6. On October 10, 2006, on the Geneses Medical Spa web-site, following the phrase "...brings 20 years of clinical experience to the field of medical esthetics" Respondent listed himself in addition to being board certified as "...trained and certified in the Cenegenics Institute in the field of age management medicine", without specifying the field in which he received his board certification. This language could lead prospective patients to conclude that he is board certified in one of the listed areas of Cenegenics or Age Management, or both, instead of Emergency or Preventive Medicine the area in which he is actually board certified. The reference was removed when discovered and Respondent indicated it has not been his intention to mislead anyone.

7. Respondent has cooperated in the investigation of the allegations related to this Administrative Agreed Order. Respondent's cooperation, through consent to this Administrative Agreed Order, pursuant to the provisions of Section 164.002 of the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Administrative Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.052(a)(5) of the Act requires the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public and as further defined in Board Rule 190.8(2)(I) regarding false, misleading or deceptive advertising.

3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a rule adopted under this Act. Board

Rule 164.4 specifically addresses the requirements which must be met in order for a physician to claim board certification.

4. Section 164.052(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent using an advertising statement that is false, misleading, or deceptive.

5. Section 164.0025 of the Act and Board Rule 187.14 authorizes the Board to resolve and make a disposition of this matter through an Administrative Agreed Order.

6. Section 164.002(d) of the Act provides that this Administrative Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

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

1. Respondent shall pay an administrative penalty in the amount of \$500 within 30 days of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Director of Enforcement for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

2. This Order shall automatically terminate upon the payment of the administrative penalty by Respondent.

3. Respondent shall fully cooperate with the Board and the Board staff, including 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 Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

4. The time period of this Order shall be tolled if: (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees, or (c) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the

Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of tolling ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

5. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days after the address change. This information shall be submitted to the Verification Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a violation of this Order and a basis for disciplinary action by the Board against Respondent pursuant to the Act.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, PHILIP STEPHEN CZEKAJ, M.D., HAVE READ AND UNDERSTAND THE FOREGOING ADMINISTRATIVE AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ADMINISTRATIVE AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 6/4, 2007.

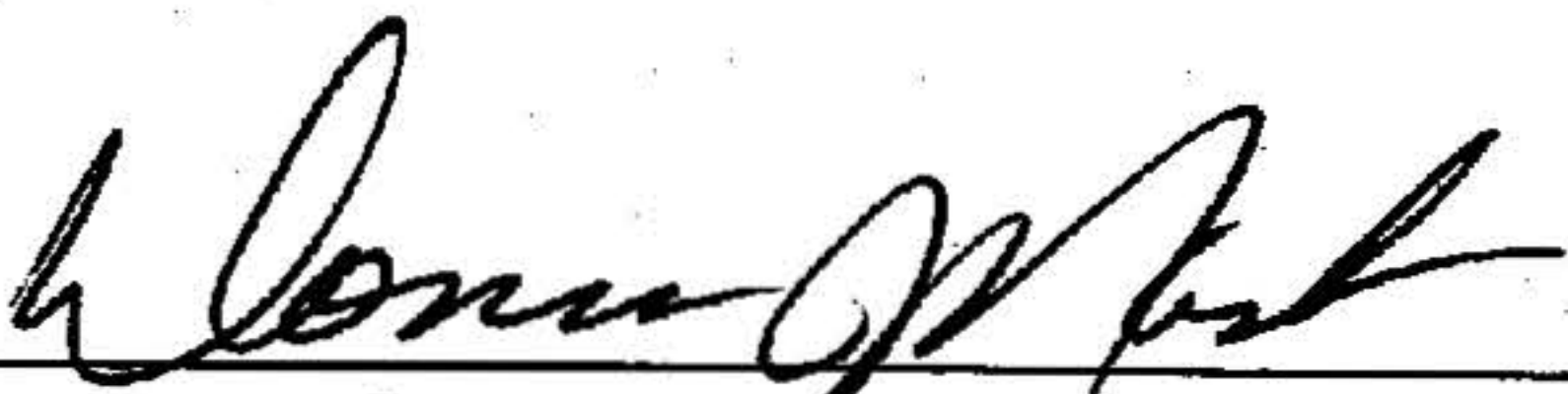


PHILIP STEPHEN CZEKAJ, M.D.
Respondent

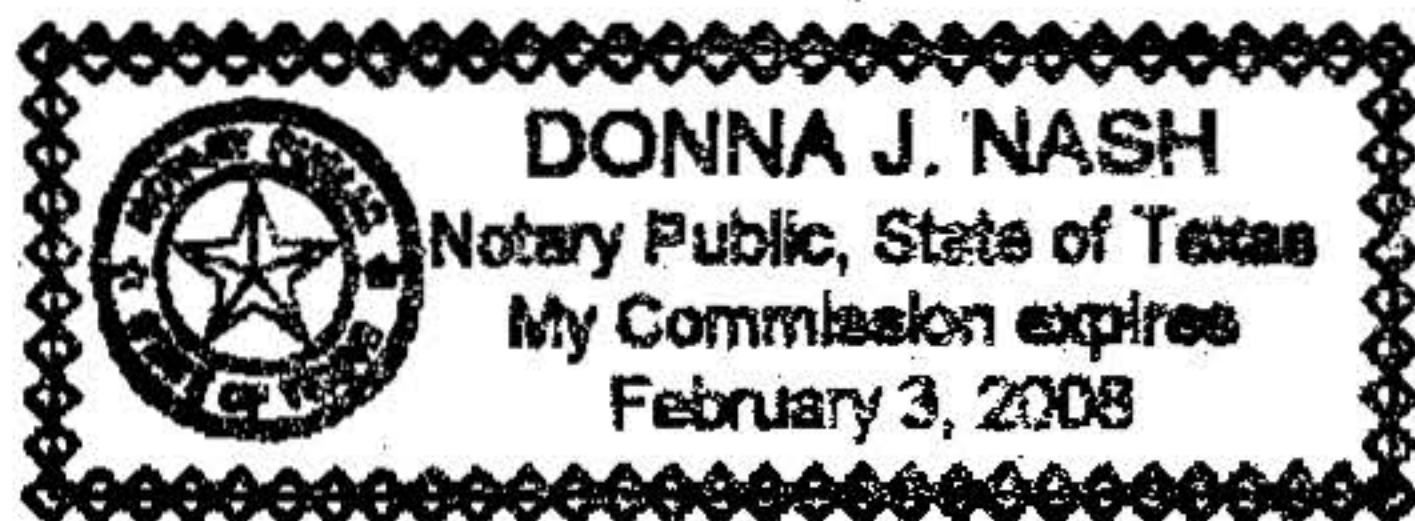
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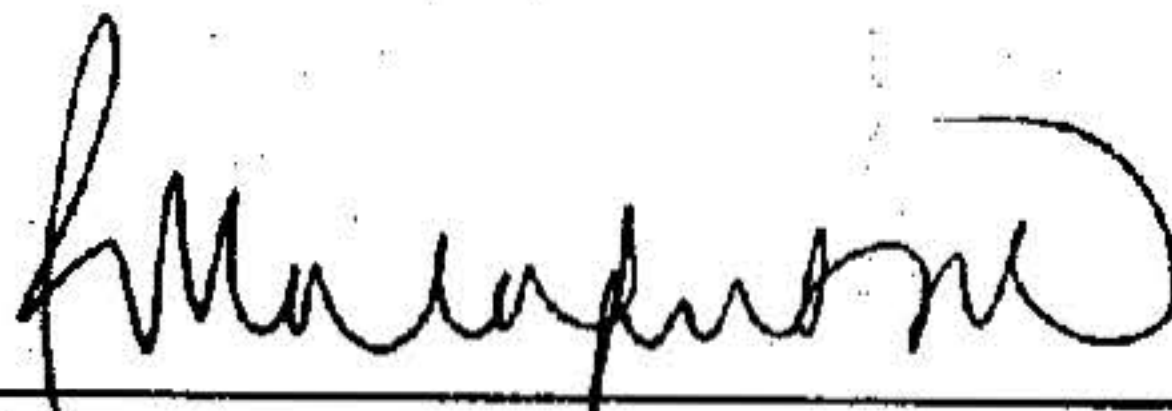
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
4th day of June, 2007.


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
8 day of June, 2007.


Roberta M. Kalafut, D.O., President
Texas Medical Board