

Texas Medical Board

BOARD MEETING MINUTES

May 29, 2009

The meeting was called to order May 29, 2009 at 8:04 a.m. by Irvin E. Zeitler, Jr., D.O., Board President. Board members present were Timothy J. Turner, Secretary/Treasurer; Michael Arambula; Julie Attebury; David Baucom; Jose M. Benavides, M.D.; Patricia Blackwell; Patrick J. Crocker, D.O.; John D. Ellis, Jr.; J. Scott Holliday, D.O.; Melinda McMichael, M.D.; Charles Oswalt, M.D.; Allan N. Shulkin, M.D.; Wynne M. Snoots, M.D.; Paulette B. Southard; Timothy Webb, J.D.; and George Willeford III, M.D. Board staff present were Mari Robinson, Executive Director; Alan Moore, M.D., Medical Director; Jane McFarland, Chief of Staff; Jaime Garanfio, Director of Customer Affairs; Nancy Leshikar, J.D., Interim General Counsel; and various other staff.

Dr. Crocker read the boards mission statement into the minutes.

Our Boards mission is to protect and enhance the publics health, safety, and welfare by establishing and maintaining standards of excellence used in regulating the practice of medicine and ensuring quality health care for the citizens of Texas through licensure, discipline, and education.

Agenda item #2, Presidents Report. Dr. Zeitler introduced and welcomed the new board members Patrick J. Crocker, D.O.; John D. Ellis, J.D.; and Wynne Snoots, M.D.

Agenda item #3, Executive Directors Report. Ms. Robinson gave an update of the status and possible impact of several legislative bills.

Ms. Robinson gave a budget report that the Exceptional Items were approved.

Ms. Robinson gave a report on two resolutions adopted by the Federation of State Medical Boards to develop 1.) a uniform policy to report the withdrawal of licensure applications, and 2.) a policy to allow greater sharing of information between state medical boards assuring confidentiality.

At the request of Senator Shapleigh, Ms. Robinson gave a report on the shortage of physicians in the El Paso area, one of the most underserved areas in the state. Initial ideas on possible ways to assist the underserved areas is with workshops focusing on resources that the board provides and a pamphlet describing all the different licensure types available in that area and ways licensure applications may be prioritized.

Dr. Zeitler asked about security updates. Ms. Robinson reported that the agency is moving forward with the installation of security cameras.

Agenda item #4, Medical Directors Report. Dr. Moore gave a report on the Texas Medical Association meeting and resolutions. Dr. Moore reported the tutorial for the expert panelists would be ready this summer.

Agenda item #5, Nomination and election of board officer(s). Dr. Zeitler requested nominations for the position of Board Vice-President. **Dr. Benavides nominated Dr. McMichael and Dr. Arambula**

nominated Mr. Turner for the position of Vice-President. The nominees each made a brief statement and a vote was taken by written ballot. After the votes were counted, **Dr. Zeitler announced Dr. Melinda McMichael the Vice-President.**

Agenda item #6, Discussion and possible action regarding the open forum for public comments. After discussion, the board directed staff to continue to have an agenda item for public comments during board meetings.

Agenda item #2, Presidents report (continued) Dr. Zeitler presented a plaque and resolution to Annette Raggette for her dedicated service to the board.

Agenda item #7, Discussion and possible action regarding the removal of filed complaints from the Physician Profile on the Texas Medical Boards website. Agenda item was withdrawn.

Agenda item #8, Discussion, recommendation, and possible action regarding specialty board certification. After discussion, **Dr. Arambula moved, Ms. Southard seconded, and the motion passed to deny specialty board certification to the American Board of Interventional of Pain Physicians.**

Agenda item #9, Discussion and possible action regarding current litigation. Nancy Leshikar gave a report of pending litigation.

Agenda item #10, Consideration and Approval of Non-Public Rehabilitation Orders and Modification Request/Termination Request of Non-Public Rehabilitation Orders. Mr. Turner moved, Ms. Southard seconded, and the motion passed to approve the Termination Granted of Rehabilitation Orders #257 and #360; Non-Public Rehabilitation Orders #591, #592, #593, and #594; and Termination Denied of Rehabilitation Order #323.

Agenda item #11, Consideration and Approval of Agreed Board Orders. Mr. Turner moved, Ms. Southard seconded, and the motion passed to approve the following Agreed Board Orders en masse: Fabian Aurignac, M.D.; Odette Campbell, M.D.; Cal Cohn, M.D.; Herbert M. Emejulu, M.D.; Tracy G. Goen, M.D.; Paul A. Grant, M.D.; Welton E. Hill, M.D.; Gary M. Horndeski, M.D.; Joseph R. Kilanski, M.D.; Edward E. Louis, M.D.; James McCarthy Jr., M.D.; Deward McDonald, M.D.; Leroy I. Meharry, M.D.; Jesus A. Munoz, M.D.; Vikramkumar Patel, M.D.; Richard B. Patt, M.D.; Gary Roberts, M.D.; Larry R. Sands, M.D.; Nisha Saran, D.O.; Geoffrey Schneider, M.D.; George N. Smith, D.O.; Theodore D. Smith, D.O.; Samuel D. Tressler, III, M.D.; Robert F. Wood, M.D.; Michael L. Blackwell, M.D.; David A. Cantu, M.D.; Michael Findley, M.D.; Janie E. Holt, M.D.; Regina S. Hurley, M.D.; Dale L. Messer, M.D.; Michael Pickrell, M.D.; David S. Salas, M.D.; Fulgencio Salinas, M.D.; Dee A. Roach, M.D.; Charles F. King, M.D.; Erika Zimmerman, M.D.; Dennis Rainey, M.D.; and Jay Pearce, D.O.

After discussion, **Ms. Southard moved, Dr. McMichael seconded, and the motion passed to approve the agreed order for William H. Atkinson, M.D., with the modification requiring a chart monitor for two years.**

Dr. Oswalt moved and Dr. Benavides seconded a motion to dismiss the order for Elma G. Granado, M.D. The motion failed. After discussion, **Dr. Crocker moved, Dr. Willeford seconded, and the motion passed to approve the agreed order for Elma G. Granado, M.D., with the**

modification delete the public reprimand because the respondent tried to address the action and to change the 20 hours of CME to 10 CME in risk management and 10 CME in pharmacology.

After discussion, **Dr. Oswalt moved, Ms. Southard seconded, and the motion passed to approve the Agreed Order for Peter H. Haney, M.D., with the modification to require the 30 CME credits be completed in a period of two years instead of one year, due to it would be impossible to complete in one year.**

After discussion, **Ms. Attebury moved, Ms. Southard seconded, and the motion passed to approve the Agreed Order for Philip A. Head, M.D., as written.**

After discussion, **Ms. Attebury moved, Dr. McMichael seconded, and the motion passed to approve the Agreed Order for Barlow Smith, M.D., with the modification adding a public reprimand, due to the nature of the relationship.**

After discussion, **Ms. Attebury moved, Dr. Shulkin seconded, and the motion passed to approve the Agreed Order for Harish Thakkar, M.D., with the modification deleting the public reprimand. The lack of action did not seem intentional and did not warrant a public reprimand.**

After discussion, **Mr. Turner moved, Dr. Benavides seconded, and the motion passed to approve the Agreed Orders for Jonathan E. Walker, M.D., and McDonald H. Walker, M.D.**

After discussion, **Dr. Oswalt moved, Ms. Southard seconded, and the motion passed to approve the Agreed Order for Robert A. Woodward, M.D., as written.**

After discussion, **Ms. Southard moved and Dr. Arambula seconded a motion to approve the Agreed Order for Timothy F. Malone, D.O., with a modification. After discussion, Mr. Turner moved, Dr. Arambula seconded, and the motion passed to go into Executive Session at 10:45 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act Section 551.071, Government Code. Open session resumed at 11:05 a.m. and it was announced that no action was taken. A certified agenda was made.**

After discussion, **Ms. Southard withdrew her motion. Mr. Webb moved, Dr. Oswalt seconded, and the motion passed to approve the Agreed Order for Timothy F. Malone, D.O., as written.**

There were no items for Agenda item #12.

Agenda item #13, Consideration and Approval of Modification Request/Termination Request Orders. After discussion, **Mr. Turner moved, Dr. Arambula seconded, and the motion passed to approve the Modification Request Order for John E. Garner, M.D.; and the Termination Request Orders for Lewis Leavitt III, M.D.; Marc M. Levine, M.D.; Robert G. Ranelle, D.O. Andrew Silverthorn, M.D.; and James M. Stanton, M.D.**

Agenda item #14, Consideration and Approval of Nunc Pro Tunc Orders. After discussion, **Mr. Turner moved, Ms. Attebury seconded, and the motion passed to approve the Nunc Pro Tunc Order for Thomas J. Leytham, M.D.**

Agenda item #15, Consideration and Approval of Mediated Settlement Agreed Orders. After discussion, **Dr. Arambula moved, Ms. Southard seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Manuel Carasco-Santiago, M.D.; James C. Womack, M.D.; James Young, M.D.; and Sebastian Bourgeois, M.D.**

Agenda item #16 Consideration and Approval of Termination of Suspension Orders. After discussion, **Mr. Turner moved, Dr. Arambula seconded, and the motion passed to approve the Termination of Suspension Orders for Craig Kopecky, M.D. and Davill Armstrong, M.D.**

There were no items for Agenda item #17.

Agenda item #18, Report on Temporary Suspensions. A report was given on the temporary suspension hearing for Suresh N. Gadasalli, M.D.

Agenda item #19, Report on Automatic Orders. A report was given on the Automatic Orders for Rodney N. Dotson, M.D., and Scott S. McNeill, M.D.

There were no items for Agenda items #20-22.

Agenda item #23, Report on motions for rehearing. Ms. Leshikar gave a report on the motions for rehearing for Denise Rochelle Greenwood, M.D., and Brian D. Rappe, D.O.

Agenda item #24, Discussion recommendation and possible action regarding proposed amendments to board rules:

- 22 T.A.C. 162.1, Supervision of Medical School Students
- 22 T.A.C. 165.3, Patient Access to Diagnostic Imaging Studies in Physician's Office
- 22 T.A.C. 173.1 Profile Contents.
- 22 T.A.C. 190.8(1)(L) relating to the prescribing of controlled substance/dangerous drugs for the partners of patients that have been diagnosed with sexually transmitted diseases.

Written comments were received and reviewed for 190.8(1)(L). After discussion, **Mr. Webb moved, Ms. Blackwell seconded, and the motion passed to approve proposed amendments to board rules 22 T.A.C. 162.1, Supervision of Medical School Students; 165.3, Patient Access to Diagnostic Imaging Studies in Physician's Office; 173.1 Profile Contents; and 190.8(1)(L) relating to the prescribing of controlled substance/dangerous drugs for the partners of patients that have been diagnosed with sexually transmitted diseases, as published.**

Agenda item #25, Discussion, recommendation and possible action regarding rule review and proposed amendments to 22 TAC 174.1-174.6, Telemedicine. No one signed in to present oral comments, written comments were received and reviewed. After discussion, **Mr. Turner moved, Ms. Blackwell seconded, and the motion passed to withdraw the proposed amendments to 22 TAC 174.1-174.6, Telemedicine and to present to a stakeholder workgroup.**

Agenda item #26, Open forum for public comments. No one sign in for public comments.

Discussion/Action Items to be considered at anytime the full board is in session:

Item #1. Consent Agenda: Ms. Blackwell moved, Dr. McMichael seconded, and the motion passed to approve the minutes for the April 3, 2009 Board Meeting Minutes and the April 30, 2009 Disciplinary Panel Minutes regarding Suresh Gadasalli, M.D., Temporary Suspension With Notice.

Item #2. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Ms. Attebury gave a report of the Finance Committee meeting. **Dr. Benavides moved, Ms. Southard seconded, and the motion passed to approve the minutes and action items with**

Dr. Zeitler gave a report of the Executive Committee meeting. **Dr. McMichael moved, Dr. Oswalt seconded, and the motion passed to approve the minutes and action items.**

Dr. McMichael gave a report of the Disciplinary Process Review Committee meeting. **Dr. Oswalt moved, Ms. Blackwell seconded, and the motion passed to approve the minutes and action items.**

Dr. Arambula gave a report of the Licensure Committee meeting. **Dr. Arambula moved, Dr. Oswalt seconded, and the motion passed to approve the Licensure Committee minutes and action items the following changes: 1) the action item regarding Applicant #777 be changed so that the applicant may supervise PAs and APNs; and, 2) Applicant #785 be allowed to appear at the August Licensure Committee meeting to present new information regarding his application.**

There being no further agenda items the meeting adjourned at 12:08 p.m.