

TEXAS MEDICAL BOARD
LICENSURE COMMITTEE MEETING MINUTES

February 2, 2006

The meeting was called to order at 11:40 a.m. by Chair, John Pate, Jr., M.D. Committee members present were Julie Attebury, Melinda S. Fredricks, Manuel Guajardo, M.D., Eddie J. Miles, Keith E. Miller, M.D., Elvira Pascua-Lim, M.D., Larry Price, D.O. and Annette Raggette.

Agenda Item 11 Discussion, recommendation, and possible action regarding evaluation of international medical schools. Dr. Patrick discussed the possibility of creating an agency program through legislation and rulemaking to determine if certain international medical schools' graduates' education could be considered to be substantially equivalent to that of a Texas medical school. The review of these medical schools would be through a combination of document and on-site review of each school. Dr. Patrick also discussed the possibility of creating an administrative procedure for such determinations in the interim. Staff will research and gather more information for the Committee to review.

Agenda Item 12 Discussion and recommendation regarding additional eligibility criteria for applicants who are not graduates of either an acceptable approved medical school or an acceptable unapproved medical school - Ms. Garanfio asked the Committee for their thoughts about possible remedies for issues concerning the medical education of applicants from unacceptable unapproved medical schools. The Committee discussed the possibility specialty board certification or additional training in a specific field as remedies for certain medical education issues. The Committee discussed the California Board's past policy of requiring applicants to enroll in an acceptable approved medical school to repeat rotations. The Committee expressed the concern that if remedies are developed, they must address the need of the board to verify that applicants from unacceptable unapproved medical schools are competent to practice medicine safely. The Committee directed staff to develop ideas on the subject for review.

Dr. Miller moved to recess. Ms. Raggette seconded the motion, and the motion passed at 12:00 p.m. The committee meeting resumed at 1:24 p.m.

Executive Session was considered. Dr. Price moved, Mr. Miles seconded, and the motion passed at 1:25 p.m. to go into executive session for private consultation and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible

disciplinary action and consideration of possible rehabilitation orders under the authority of the Open Meetings Act, GOVERNMENT CODE, 551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006,164.007 and 164.203; and Attorney General's Opinion No. H-484.

Open session resumed at 4:32 p.m. and the Chair announced that no final action or decision was taken during the executive session. A certified agenda was made.

Agenda Item 2 - Discussion, recommendation and possible action regarding applicants appearing concerning eligibility.

The Licensure Committee conducted hearings to review applicants appearing concerning eligibility. The hearings were conducted in Executive Session for deliberations concerning licensure applications and consideration of possible rehabilitation orders under the authority of the Open Meetings Act, GOVERNMENT CODE, 551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006,164.007 and 164.203; and Attorney General's Opinion No. H-484. Following the hearings, the Committee reconvened and considered the applications.

Item 2a PPhysician licensure:

Applicant # 447 appeared before the Committee in executive session on appeal of the Executive Director's determination of ineligibility. In open session, **Dr. Lim moved to recommend to the full board that the applicant be determined ineligible due to time out medicine and falsification of the licensure application.** Factors contributing to this recommendation include the applicant's willful failure to disclose action taken by training programs, and failure to demonstrate remedial activities regarding time out of medicine that are necessary to ensure protection of the public and ensure minimal competency to safely practice medicine. **Dr. Miller seconded. All voted in favor. The motion passed.**

Applicant # 444 appeared with counsel before the Committee in executive session on referral by the Executive Director. In open session, **Dr. Price moved to recommend to the full board that the applicant be determined ineligible for licensure due to the fact that the applicant is not a graduate of an acceptable unapproved medical school and is a graduate of a medical school that must be proven to be substantially equivalent and that has been disapproved by other state physician licensing agencies (California, Idaho, Indiana, and Oregon).** Factors contributing to this

recommendation include the failure of this applicant to produce evidence showing that the disapproval of the medical school by other states was unfounded. **Ms. Raggette seconded the motion. All voted in favor. The motion passed.**

Applicant # 441 appeared before the Committee in executive session on appeal of the Executive Director's determination of ineligibility. In open session, **Dr. Miller moved to recommend to the full board that the applicant be determined ineligible for licensure due to the fact that the applicant is a graduate of a medical school that has been disapproved by another state licensing agency (California), is lacking the required amount of training, is not in the active practice of medicine, has had action taken by a training program, has been denied licensure by another state (Alaska), and has falsified the licensure application.** Factors contributing to this recommendation are the multiple violations. **Mr. Miles seconded the motion. All voted in favor. The motion passed.**

Applicant # 443 appeared with counsel before the Committee in executive session on appeal of the Executive Director's determination of ineligibility. In open session, **Ms. Attebury moved to recommend to the full board that the applicant be determined ineligible for licensure due to falsification of the licensure application.** A factor contributing to this recommendation is the applicant's willful failure to disclose prior substance abuse. **Dr. Miller seconded the motion. All voted in favor. The motion passed.**

Applicant # 446 appeared before the Committee in executive session on appeal of the Executive Director's determination of ineligibility. In open session, **Dr. Guajardo moved to recommend to the full board that the applicant be determined ineligible for licensure due to failure to pass USMLE within 7 years.** A factor contributing to this recommendation is the statutory eligibility requirement of passage within seven years. **Dr. Miller seconded. All voted in favor. The motion passed.**

Applicant #442 appeared before the Committee in executive session on appeal of the Executive Director's determination of ineligibility. In open session, **Ms. Fredricks moved to recommend to the full board that the applicant be determined ineligible due to failure to engage in the active practice of medicine for the previous two years, conviction of a misdemeanor involving moral turpitude, and probation and other problems during training.** Factors contributing to this recommendation are the multiple violations. **Dr. Miller seconded the motion. All voted in favor. The motion passed.**

Applicant #330 appeared with counsel before the Committee in executive session on referral by the Executive Director. In open session, **Mr. Miles moved to recommend to the full board that the applicant be granted reinstatement of a physician license under a public, non-disciplinary rehabilitation order that includes the requirements specified in the Rehabilitation Checklist that has been distributed to the members of the committee.** This recommendation is due to the applicant's history of substance abuse, including diverting controlled substances for the applicant's family and the applicant's own use, and previous disciplinary action taken by the Board. **Ms. Ragette seconded the motion. All voted in favor. The motion passed.**

Item 2b PPhysician in training permits:

Applicant # 445 appeared before the Committee in executive session on referral by the Executive Director. In open session, **Dr. Miller moved to recommend to the full board that the applicant be publicly reprimanded but granted an unrestricted physician in training permit upon payment of an administrative penalty in the amount of \$1,500.** Factors contributing to this recommendation include disciplinary action taken by the Florida Medical Board, falsification of the licensure application, and resignation from a previous training program. **Mr. Miles seconded. All voted in favor. The motion passed.**

Applicant #450 appeared with counsel before the Committee in executive session on referral by the Executive Director. In open session, **Ms. Attebury moved to recommend to the full board that the applicant be granted a physician in training permit. Ms. Fredricks seconded the motion. All voted in favor. The motion passed.**

Item 2c PAcudetox certification PThere were none.

Item 2d PSurgical assistant licensure PThere were none.

Agenda Item 3 PDiscussion, recommendation, and possible action regarding **applicants appearing for rehearing concerning eligibility:**

Item 3a PPhysician licensure: There were none

Item 3b PPhysician in training permits. There were none.

Item 3c PAcudetox certification PThere were none.

Item 3d PSurgical assistant licensure PThere were none.

Agenda Item 4 PDiscussion, recommendation and possible action regarding **applicant requests:**

Item 4a **Requests for Rehearing** - There were none.

Item 4b **Request for Waiver of Acupuncture License Requirements** - There were none.

Agenda Item 5 PReports on:

Item 5a P**Proposed orders** for restriction of physician licensure and physician in training permit applicants PThere were none.

Item 5b PApprovals by the Executive Director of physician licensure applicants who are graduates of medical schools from which the Board has not previously licensed - Mrs. Garanflo presented a report on five applicants who graduated from the following medical schools; Suez Canal University-Egypt, Iran University of Medical Sciences, Tver State Medical Academy PRussia, Binzhou Medical College PChina, and North Colombo Private Medical College - Sri Lanka. The applicants' medical educations have been reviewed by the Executive Director and staff and found to meet appropriate board rules and statute. These applicants were graduates of medical schools from which the board has not previously licensed.

Item 5c **Letters of eligibility** of physician licensure applicants - There were no letters of eligibility for review.

Item 5d P**Applicant determinations of eligibility** made by the Executive Director in the last period - Ms. Garanflo presented a report on applicant determinations of eligibility made by the Executive Director for the period December 13, 2005 through January 31, 2006.

Item 5e P**Physician licensure process statistics** - Ms. Garanflo presented a report on physician licensure application process statistics for fiscal year 2006 up to January 26, 2006.

Agenda Item 6 PDiscussion, recommendation, and possible action regarding **applicants to be considered for licensure, permits or certification:**

Item 6a PPhysician licensure applicants - There were 251 applicants who met all requirements to be considered for permanent licensure by the full Board. **Dr. Price moved to recommend to the full board that all 251 applicants for permanent licensure be approved. Ms. Attebury seconded the motion. All voted in favor. The motion passed.**

Item 6b - Acudetox certification applicants - There were none.

Item 6c - Surgical assistant licensure applicants - There were 3 Surgical Assistant applicants to be considered for approval. **Mr. Miles moved to recommend to the full board that all 3 Surgical Assistant licensure applicants be approved. Ms. Attebury seconded the motion. All voted in favor. The motion passed.**

Agenda Item 7 - Discussion, recommendation and possible action regarding **licensee requests:**

Item 7a - Request of physician for **activation of canceled physician licenses** - There were none.

Item 7b - Request of physician to return to **Active Status from Texas Retired Status** PThere were none

Agenda Item 8 - Discussion, recommendation, and possible action regarding **cancellation of licenses** by request and for incomplete registration.

Item 8a PSurgical Assistants PThere were none.

Agenda Item 9 - Discussion, recommendation, and possible action regarding **Nonprofit Health Organizations:**

Item 9a - Applicants for initial certification - There were 4 applications for initial certification as a Nonprofit Health Organization for approval. **Ms. Attebury moved to recommend to the full board that all 4 applications for initial certification as a Nonprofit Health Organization be approved. Mr. Price seconded the motion. All voted in favor. The motion passed.**

Item 9b - Requests for biennial recertification - There were 6 applications to be considered for biennial recertification as Nonprofit Health Organizations. **Ms. Raggette moved to recommend to the full board that all 6 applications for biennial recertification as Nonprofit Health Organizations be approved. Ms. Attebury seconded the motion. All voted in favor. The motion passed.**

Item 9c - Cancellation of organizations certified as Nonprofit Health Organizations - There was one request for decertification of an organization certified as a Nonprofit Health Organization. There were no cancellations of an organization certified as a Nonprofit Health Organization due to failure to submit required biennial reports and fees. **Ms. Raggette moved to recommend to the full board that the request for decertification as a Nonprofit Health Organization be approved. Mr. Miles seconded the motion. All voted in favor. The motion passed.**

Agenda Item 10 PReport from Bay Area Corpus Christi Family Practice Residency Program regarding procedures for physician in training permits. PMs. Garanflo presented a report from the Bay Area Corpus Christi Family Practice Residency Program updating the committee on the progress of their new system to remind their staff when a resident's permit is about to expire. Representatives from the program appeared before the Committee on August 25, 2005 to discuss two residents who had been practicing without permits for an extended period of time. The report also included information about the program's mandatory annual lecture for residents regarding the role of the TMB and mandatory viewing of the TMB video.

Agenda Item 13 - There being no further business, **Ms. Raggette moved to adjourn the meeting. Ms. Attebury seconded the motion. All voted in favor. The motion passed. The meeting adjourned at 4:54 p.m.**