

**TEXAS MEDICAL BOARD
BOARD MEETING MINUTES**

October 6, 2006

The meeting was called to order on October 6, 2006 at 9:22 a.m. by Board President, Roberta Kalafut, D.O. Board members present were Lawrence L. Anderson, M.D.; Julie Attebury; Jose M. Benavides, M.D.; Patricia S. Blackwell; Melinda S. Fredricks; Manuel G. Guajardo, M.D.; Amanullah Khan, M.D.; Margaret C. McNeese, M.D.; Eddie J. Miles, Jr.; Keith E. Miller, M.D.; Elvira Pascua-Lim, M.D.; John W. Pate, Jr., M.D.; Larry Price, D.O. Annette P. Ragette; Timothy J. Turner; and Irvin E. Zeitler, Jr., D.O. Board staff present were Donald W. Patrick, M.D., J.D., Executive Director; Michele Shackelford, J.D., General Counsel; Jane McFarland, Chief of Staff; Robert Simpson, J.D., Assistant General Counsel; and various other staff. Dr. Pascua-Lim read the Texas Medical Board Mission into the minutes.

"Our Board's mission is to protect and enhance the public's 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, Executive Session. Mr. Miles moved, Dr. Miller seconded, and the motion passed to go into Executive Session at 9:29 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and deliberation concerning licensure applications, and/or disciplinary action under the authority of the Open Meetings Act, Government Code, §§551.071 and 551.074; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, §§152.009, 155.058, 160.006, and 164.007, and 164.203; and Attorney General's Opinion No. H-484. Open session resumed at 10:55 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda item #3, Consideration and Approval of Non-Public Rehabilitation Orders and Modification Request/Termination Request of Non-Public Rehabilitation Orders. Ms. Fredricks moved, Ms. Blackwell seconded, and the motion passed to approve the Non-Public Rehabilitation Order #403.

Agenda item #4, Consideration and Approval of Agreed Board Orders. After discussion, **Dr. Anderson moved, Mr. Miles seconded, and the motion passed to approve the Agreed Order for John W. Goodman, M.D.** Dr. Benavides opposed the motion.

After discussion, **Dr. Miller moved, Mr. Turner seconded, and the motion passed to approve the Agreed Order for Pramesh C. Dave, M.D.**

After discussion, **Dr. Miller moved, Dr. Price seconded, and the motion passed to approve the Agreed Order for John C. Dickey, M.D.**

After discussion, **Dr. Miller moved, Ms. Blackwell seconded, and the motion passed to approve the Agreed Order for Steven P. Treat, D.O.**

After discussion, **Dr. Pate moved, Dr. Miller seconded, and the motion passed to approve the Agreed Order for Anthony P. Nikko, M.D.**

After discussion, **Dr. Benavides moved, Ms. Blackwell seconded, and the motion passed to deny the Agreed Order for Rodney N. Dotson, M.D.** Dr. Pascua-Lim, Mr. Turner, Dr. Anderson, and Dr. Price opposed the motion. **Dr. Benavides moved, Mr. Miles seconded, and the motion passed to refer the case to the State Office of Administrative Hearings to revoke the license of Rodney N. Dotson, M.D., and to request Dr. Dotson voluntarily surrender his license.** Dr. Pascua-Lim, Mr. Turner, Dr. Anderson, and Dr. Price opposed the motion.

After discussion, **Ms. Blackwell moved, Dr. Khan seconded, and the motion passed to approve the Agreed Order for Cynthia C. Howard, M.D.**

After discussion, **Dr. Miller moved, Ms. Raggette seconded, and the motion passed to approve the Agreed Orders for the following:** William S. Andrews, M.D.; Mary F. Burgess, M.D.; Gary S. Donovitz, M.D.; Sheryl D. Galt, M.D.; Moses N. Shalit, M.D.; Fortunato O. Sunio, M.D.; Lloyd K. Weldon, D.O.; Merrimon W. Baker, M.D.; Martin A. Derusha, Jr., D.O.; Federico Maese, M.D.; and Robert M. Leath, M.D.

Agenda item #5, Consideration and Approval of Administrative Orders. After discussion, **Ms. Raggette moved, Ms. Blackwell seconded, and the motion passed to approve the Administrative Orders for the following:** Donna M. Boehme, M.D.; Antonio Carreno-Caceres, M.D.; Gregory S. Roth, M.D.; and Brian M. Gogel, M.D.

Agenda item #6, Consideration and Approval of Modification Request/Termination Request Orders. After discussion, **Dr. Anderson moved, Ms. Raggette seconded, and the motion passed to approve the Order Granting Modification for Jeffrey L. Butts, D.O., as presented with the following additional modification that Dr. Butts shall have an appropriate chaperone present for all physician exams.**

After discussion, **Dr. Miller moved, Mr. Miles seconded, and the motion passed to approve the Termination of Order for Stephen Edward Guilliams, M.D.**

After discussion, **Mr. Turner moved, Ms. Raggette seconded, and the motion passed to approve the Modification Request/Termination Request Orders for:** Sukumar Chaparala, M.D.; Howell E. Davis, D.O.; Maurice J. Ende, M.D.; William H. McCrae, M.D.; and Pedro Montano-Martinez, M.D.; and T. Sean Fitzpatrick, M.D.

There were no items for Agenda item #7.

Agenda item #8, Consideration and Approval of Nunc Pro Tunc Orders. After discussion, **Ms. Raggette moved, Ms. Fredricks seconded, and the motion passed to approve the Nunc Pro Tunc Orders for Tony T. Bui, M.D., and Clayton Moliver, M.D.**

Agenda item #9, Consideration and Approval of Mediated Settlement Agreement Orders. After discussion, **Dr. Pascua-Lim moved, Ms. Blackwell seconded a motion to approve the Administrative Order for Lewis Jacob Frazee, M.D.** After discussion concerning the use of the term "Administrative Order" Dr. Pascua-Lim withdrew her motion. **Ms. Raggette moved, Ms. Blackwell seconded, and the motion passed to reject the Administrative Order for Lewis Jacob Frazee, M.D. as presented.** After further discussion **Dr. Miller moved, Dr.**

Price seconded, and the motion passed to pull the order to allow clarification concerning the appropriate title.

After discussion, **Dr. Pascua-Lim moved, Ms. Blackwell seconded a motion to approve the Mediated Settlement Agreement for Louis Fabre, Jr., M.D. The motion passed to approve the Mediated Settlement Agreement.**

There were no items for Agenda items #10-#12.

Agenda item #13, Report on Temporary Suspensions. Nancy Leshikar gave a report on Temporary Suspensions for the following: Sergio Silva, M.D.; Suzanne E. Mack, M.D.; Jack Pruett, M.D.; and Omar Shadman, M.D.

There were no items for Agenda item #14.

Discussion item #1, Executive Director's report. Dr. Patrick recognized and thanked Loris Jones, Executive Assistant, for her service to the board.

Dr. Kalafut presented a plaque and resolution in honor of Dr. Pascua-Lim's dedication and service to the Board. Dr. Pascua-Lim thanked the Board and staff.

Agenda item #15, Demonstration on Laserfiche log in system for review of meeting materials. Mari Robinson, Enforcement Manager, gave a demonstration using the Laserfiche log-in system to review meeting materials.

Dr. Price moved, Mr. Miles seconded, and the motion passed to go into Executive Session at 12:17 p.m., for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and deliberation concerning licensure applications, and/or disciplinary action under the authority of the Open Meetings Act, Government Code, §§551.071 and 551.074; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, §§152.009, 155.058, 160.006, and 164.007, and 164.203;

and Attorney General's Opinion No. H-484. Open session resumed at 12:45 p.m. and it was announced that no action was taken. A certified agenda was made.

Agenda item #16, Discussion and possible direction to staff regarding Compliance drug testing program. After discussion of possible guidelines for drug testing waivers during leisure travel by probationers, the Board directed staff to develop a policy for drug-testing waivers to be presented at the December Board meeting.

Agenda item #17, Discussion and possible direction to staff regarding Expert Panel appointments. Mari Robinson presented a plan for the DPRC to receive information and to make recommendations concerning the appointment and removal of members from the Expert Panel. After discussion, the Board directed staff to draft the plan in writing and begin implementation at the next Board meeting.

Discussion item #2, Board Member Report. Dr. Kalafut announced the Federation of State Medical Boards request for applications from board members for nominations and committee appointments for the Federation.

Discussion item #1, Executive Director's report, continued. Dr. Patrick reported on staff changes in Central Administration. Ms. Shackelford gave a report on the current status of discussion with the Texas Higher Education Coordinating Board (THECB) concerning the impact on the Board's licensure of physicians resulting from legislation and recently adopted THECB rules regarding listing of medical schools deemed fraudulent or substandard by THECB staff.

Dr. Price moved, Mr. Miles seconded, and the motion passed to go into executive session at 1:30 p.m. for private consultation and advice of counsel with respect to legal matters under the authority of the Open Meetings Act, GOVERNMENT CODE §551.071. Open session resumed at 1:50 p.m. and it was announced that no action was taken. A certified agenda was made.

Jaime Garanflo, Licensure Manager, gave the 2006 fiscal year end report for Licensure.

Mari Robinson, Enforcement Manager, gave the 2006 fiscal year end report for Enforcement.

Discussion item #3, Consent Agenda:

- A. Consideration and Approval of the August 24-25, 2006 Board meeting minutes.**
- B. Consideration and Approval of Appointments to the Expert Physician Panel.**
- C. Consideration and Approval of September 8, 2006 Disciplinary Panel Minutes.**
- D. Consideration and Approval of September 18, 2006 Disciplinary Panel Minutes.**
- E. Consideration and Approval of September 18, 2006 Disciplinary Panel Minutes.**

Mr. Turner moved, Ms. Raggette seconded, and the motion passed to approve the Consent Agenda as presented.

Discussion item #4, Committee reports and the consideration and approval of minutes and action items of committees meeting during the Board meeting.

Mr. Turner gave a report of the Disciplinary Process Review Committee. **Mr. Turner moved, Dr. Benavides seconded, and the motion passed to approve the Disciplinary Process Review Committee minutes and action items.**

Dr. Kalafut gave a report of the Executive Committee. **Mr. Turner moved, Dr. Anderson seconded, and the motion passed to approve the Executive Committee minutes and action items.**

Ms. Blackwell gave a report of the Public Information Committee. **Ms. Blackwell moved, Dr. Anderson seconded, and the motion passed to approve the Public Information Committee meeting and action items.**

Ms. Fredricks gave a report of the Legislative Committee. **Ms. Fredricks moved, Mr. Miles seconded, and the motion passed to approve the Legislative Committee minutes and action items.**

Dr. Benavides gave a report of the Finance Committee meeting. **Dr. Benavides moved, Dr. Pascua-Lim seconded, and the motion passed to approve the Finance Committee meeting minutes and action items.**

The Standing Orders Committee meeting did not meet.

Dr. Pate gave a report of the Licensure Committee meeting. **Dr. Pate moved, Dr. Benavides seconded, and the motion passed to approve the Licensure Committee meeting minutes and action items.** Dr. Price made a friendly amendment to reject #497 and refer the matter to the Attorney General's office. **Dr. Pate accepted the friendly amendment and the motion passed to approve the Licensure Committee meeting minutes and action items, with the amendment to reject the action on Applicant #497 and refer the matter to the Attorney General's office.**

There being no further items the meeting adjourned at 2:10 p.m.