



Texas Physician Assistant Board

BOARD MEETING

March 25, 2022

The meeting was called to order on Friday, March 25, 2022, at 9:04 a.m. by Karrie L Crosby, PA-C, Presiding Officer. Other board members present were: Melinda Gottschalk, PA-C; Clayton "Clay" P. Bulls, PA-C; Jennifer L. Clarner, PA-C; Victor Shen-Pou Ho, M.D.; Sandra Longoria, PA-C; Cameron J. McElhany; Janeth K. Mills, PA-C.; Gregory S. Rowin, D.O.; and Andrew W. Sauer, PA-C. Steven S. Ahmed, M.D.; Lawrence G. Hughes, Ed.D; and Laura "Lali" Shipley were not present. Staff members present were Stephen "Brint" Carlton, Executive Director; Scott Freshour, J.D., General Counsel; Robert Bredt, M.D., Medical Director; and various other staff.

Agenda item #1, Mission Statement. Ms. Crosby read the board's mission statement into the minutes. *Our 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, Board Member Report. Mr. Crosby made comments on how COVID has affected and changed things the past two years.

Agenda item #3, Executive Director's Report.

Budget Report. Mr. Joey Estrada, CFO, gave a report on the agency's budget. No action was taken on this agenda item.

Internal Audit Report. Mr. Carlton gave a report on the agency's internal audit of TXPHP and the recommendations. No action was taken on this agenda item.

COVID-19. Mr. Carlton gave a report on the agency's COVID-19 response. Things are getting better, but majority of staff continues to work from home. No action was taken on this agenda item.

Building Update Mr. Carlton reported that the agency is set to move into the new building in August 2022.

Agenda item #4, Medical Director Report. Dr. Bredt reported that there are currently a lot of pending applications for panelists but recommendations are welcome.

Agenda item #5, Physician Assistant Liaison Report. Ms. Mills reported on her attendance at the Texas Medical Board meeting on March 4, 2022. No action was taken on this agenda item.

Agenda item #7, Consideration and possible action regarding pending litigation. Mr. Freshour provided an update on pending litigation.

Agenda item #6, Public Information Update. Ms. Taurie Sloan, Government Affairs and Public Information Manager, provided a Public Information Update.

Agenda Item #8, Texas Physician Health Program (TXPHP):

A. Discussion, recommendation, and possible action regarding referrals

Case #1 – 15-0212-A PA After consideration, **Mr. Sauer moved, Ms. Gottschalk seconded, and the motion passed to accept the TXPHP recommendation and refer the participant back to PHP.**

Case #2 – 21-0802 PA After consideration, **Mr. Bulls moved, Mr. Sauer seconded, and the motion passed to accept the referral and evaluate for TS.**

B. Report on Emergent Referrals (none)

C. Other discussion items – Reports Dr. Katherine McQueen, TXPHP Medical Director, presented the Participation Report for Q4, Physician Assistant Referrals for FY20 and answered questions for the board members.

Agenda item #9, Discussion, recommendation, and possible action regarding licensee requests. There were none.

Agenda item #10, Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility. Applicant #2519 appeared before the board. **After discussion, Ms. Gottschalk moved, Dr. Ho seconded, and the motion passed to grant full unrestricted licensure.**

Agenda item #11, Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director. There were none.

Agenda item #12, Report on physician assistant licenses issued by Board staff. Ms. Grace Unterborn, Licensure Manager, provided a report on the physician assistant licenses issued by staff. No action was taken on this agenda item.

Agenda item #13, Report on physician assistant licensure process statistics. Ms. Unterborn reported that 238 physician assistant licenses were issued in the second quarter of Fiscal Year 2021 in an average of 11 days. In comparison, in the second quarter of Fiscal Year 2022, 306 physician assistant licenses were issued in an average of 4 days.

Agenda item #14, Report on cancelled/not renewed data/retired licenses. Ms. Rhea Hines, Registrations Manager, reported on cancelled/not renewed data/retired licenses.

Agenda item #15, Reports and discussion regarding the Investigation, Litigation and Compliance Departments.

A. Enforcement Activity Report Mr. Chris Palazola, Director of Operations, gave the Enforcement Activity Report.

B. Warning Letters Report Mr. Palazola gave a report on Warning Letters.

C. Criminal Case Review Report Mr. Palazola gave a report on Criminal Case Reviews.

There was a break from 10:53 – 11:14 AM.

Agenda item #16, Consideration and approval of membership of the Expert Physician Panel. There were none.

Agenda item #17, Review, discussion and possible action regarding selected files and cases.

A. Investigative Files Recommended for Dismissal

After discussion, Mr. McElhaney moved, Ms. Mills seconded, and the motion passed to **dismiss 21-8439 and 22-0692.**

After discussion, Mr. Bulls moved, Dr. Rowin seconded, and the motion passed to **approve selected files and cases for dismissal as recommended.**

After discussion, Ms. Gottschalk moved, Mr. Bulls seconded, and the motion passed to **approve selected files and cases for dismissal as recommended.**

After discussion, Dr. Ho moved, Dr. Rowin seconded, and the motion passed to **approve selected files and cases for dismissal as recommended.**

After discussion, Ms. Mills moved, Dr. Ho seconded, and the motion passed to **approve selected files and cases for dismissal as recommended.**

After discussion, Dr. Rowin moved, Mr. Sauer seconded, and the motion passed to **approve selected files and cases for dismissal as recommended.**

B. SOAH Cases There were none.

Agenda item #18, Review, discussion and possible action regarding appeals of dismissed complaints.

A. Jurisdictional

Ms. Mills moved, Dr. Ho seconded, and the motion passed to move the open meeting into Executive Session at 11:56 a.m. for the purpose of 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 12:15 p.m.

After discussion, Mr. Sauer moved, Ms. Clarner seconded, and the motion passed to **deny the appeal for 21-6338.**

After discussion, Mr. Sauer moved, Ms. Mills seconded, and the motion passed to **deny the appeal for 21-6674.**

B. JNF

After discussion, Mr. McElhaney moved, Mr. Sauer seconded, and the motion passed to **deny the appeals for 21-8674 and 21-8766.** Ms. Gottschalk recused, and Ms. Mills abstained for **21-8674.**

After discussion, Dr. Ho moved, Ms. Mills seconded, and the motion passed to **deny the appeals for 20-0408, 20-0728, 21-6467, 21-6778, 21-7547, 21-7564, 21-7972, 21-8274, and 22-1684.**

After discussion, **Ms. Gottschalk moved, Dr. Rowin seconded, and the motion passed to grant the appeal for 22-2259 with direction to staff to contact the supervising physician to get a statement. Mr. Sauer abstained.**

C. NJ There were none.

Agenda item #19, Discussion, recommendation and possible action regarding routine follow up on investigative files previously referred from Discipline and Ethics Committee for follow-up action. (assigned to D&E committee members) There were none.

Agenda item #20, Consideration and approval of Non-Public Rehabilitation Orders and Modification Requests/Termination Request of Non-Public Rehabilitation Orders. There were none.

Agenda item #21, Consideration and Approval of Modification/Termination Request Orders. After consideration, **Mr. Sauer moved, Dr. Ho seconded, and the motion passed to approve the Modification/Termination request for Alberto Saucedo, PA.**

Agenda item #22, Consideration and Approval of Agreed Board Orders. After consideration, **Mr. Bulls moved, Mr. Sauer seconded and the motion passed to approve the Agreed Order for Charles Menger, PA. (Ms. Gottschalk and Ms. Mills recused.)**

There were no items for Agenda item #23-26.

Agenda item #27, Consideration and Approval of Remedial Plans. After consideration, **Ms. Mills moved, Dr. Rowin seconded, and the motion passed to approve the Remedial Plans for Benjamin Bach, PA and Gordon Lee, PA.**

There were no items for Agenda items #28-#35.

Agenda item #36, Open Forum for Public Comments. No one made public comments.

Agenda item #37, Consideration and Approval of November 5, 2021, Board Meeting Minutes. After consideration, **Ms. Mills moved, Dr. Ho seconded, and the motion passed to approve the November 5, 2021, Board Meeting Minutes as presented.**

There were no items for agenda item #38.

Agenda item #39, Adjourn. There being no further items, **Dr. Ho moved, Mr. McElhaney seconded, and the motion passed to adjourn the meeting at 12:29 p.m.**