

**TEXAS MEDICAL BOARD**  
**LICENSURE COMMITTEE MEETING MINUTES**

February 15, 2007

The meeting was called to order at 12:47 p.m. by Chair, Keith E. Miller, M.D. Committee members present were Michael Arambula, M.D., Julie Attebury, Jose M. Benavides, M.D., Eddie J. Miles, Jr., Charles Oswalt, M.D., Larry Price, D.O., Paulette B. Southard, and Timothy J. Turner.

**Executive Session was considered. Mr. Turner moved, Mr. Miles seconded, and the motion passed at 12:50 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 Generals Opinion No. H-484.**

There was no final action, decision, or vote with regard to any matter considered or discussed in executive session. The executive session ended at 2:52 p.m. A certified agenda of the executive session 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 Generals Opinion No. H-484. Following the hearings, the Committee reconvened and considered the applications.

**Item 2a** Physician licensure and physician in training permit

**Applicant #533** appeared before the Committee in executive session on referral by the Executive Director. In open session, **Dr. Oswalt moved to recommend to the full Board that the applicant be granted a Texas medical license upon successful completion of a 6 month mini-residency, approved**

by the **Executive Director**. This recommendation is due to time out of medicine. Factors contributing to this recommendation include not having practiced clinical medicine for three and a half years. **Ms. Southard seconded the motion. All voted in favor. The motion passed.**

**Applicant #536** appeared 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 Texas medical license , subject to an administrative penalty in the amount of \$500.** This recommendation is due to action by the Montana and North Carolina medical boards. Factors contributing to this recommendation include that the citizens of Texas should be aware of the public reprimands issued by the other state boards. **Mr. Turner seconded the motion. All voted in favor. The motion passed.**

**Applicant # 537** appeared before the Committee in executive session after referral by the Executive Director. In open session, **Mr. Turner moved to recommend to the full Board that a decision on this application for licensure be deferred and application expiration dates and fees be extended for 6 months to allow the applicant time to provide medical records and complete an independent psychiatric examination and psychological testing by a consultant approved by the Executive Director.** This recommendation is due to several patient encounters that resulted in peer review action, and action by the Massachusetts medical board based on disruptive behavior. Factors contributing to this recommendation include the recommendation of a Board consultant that additional records be reviewed, and the Applicants refusal to provide the information. **Ms. Southard seconded the motion. All voted in favor. The motion passed.**

**Applicant #538** appeared before the Committee in executive session on appeal of the Executive Directors determination of ineligibility. In open session, **Mr. Miles recommended to the full Board that the applicant be granted a Texas medical license , subject to the successful completion of a 90-day mini-residency approved by the Executive Director.** This recommendation is due to applicants failure to actively practice medicine within the last two years. Factors contributing to this recommendation include ineligibility based on board rule. **Dr. Oswalt seconded the motion. All voted in favor. The motion passed.**

**Applicant #540** appeared before the Committee with counsel in executive session on referral by the Executive Director. In open session, **Ms. Southard moved to recommend to the full Board that the applicant be granted a Texas medical license subject to a public reprimand and an administrative penalty in the amount of \$1000.** This recommendation is due to providing false or misleading

information to the Board. Factors contributing to this recommendation include the committees determination that the falsification was intentional. **Mr. Miles seconded the motion. Dr. Arambula, Ms. Attebury, Dr. Benavides, Dr. Price, and Mr. Turner voted in favor. Dr. Oswalt voted against. The motion passed.**

**Item 2b** Acudetox certification - There were none.

**Item 2c** Surgical assistant licensure - There were none.

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

**Item 3a** Physician licensure and physician in training permit There were none.

**Item 3b** Acudetox certification - There were none.

**Item 3c** Surgical assistant licensure - There were none.

**Agenda Item 4 Discussion, 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 Reports on:**

**Item 5a Proposed orders for restriction of physician licensure and physician in training permit applicants** Mr. Simpson reported on an order for a physician in training permit holder who has applied for full licensure and will be offered an order with the same terms and conditions.

**Item 5b** Approvals by the Executive Director of physician licensure applicants who are graduates of **medical schools from which the Board has not previously licensed** Ms. Garanflo presented a report on one applicant who graduated from the University of Banja Luka, Bosnia/Herzegovina. The applicants medical education has been reviewed by the Executive Director and staff and found to meet appropriate board rules and statute.

**Item 5c Letters of eligibility of physician licensure applicants** There are none.

**Item 5d 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 12, 2006 through February 8, 2007.

**Item 5e Physician licensure process statistics** Ms. Garanflo presented a report on physician licensure statistics for fiscal year 2007 as of February 2, 2007. A plan to address the lengthy physician licensure process, including: utilization of additional FTEs, if approved; improved communication with applicants; educating prospective applicants individuals assisting applicants concerning the details of the licensure process; and, rapid identification and processing of low complexity physician licensure applications was presented.

**Agenda Item 6 Discussion, recommendation, and possible action regarding unsigned orders from previous meetings.** Mr. Simpson reported that 7 orders were offered at the December 2006 Board meeting and 6 orders were accepted. The order of one applicant is still pending while the applicant searches for a residency training program.

**Agenda Item 7 Discussion, recommendation, and possible action regarding applicants to be considered for licensure, permits, or certification:**

**Item 7a** Physician licensure applicants - There were 404 applicants who met all requirements to be considered for permanent licensure by the full Board. **Ms. Attebury moved to recommend to the full board that all 404 applicants for permanent licensure be approved. Mr. Miles seconded the motion. All voted in favor. The motion passed.**

**Item 7b - Acudetox certification applicants - There was 1 Acudetox applicant to be considered for approval. Dr. Oswalt moved to recommend to the full board that the Acudetox applicant be approved. Mr. Turner seconded the motion. All voted in favor. The motion passed.**

**Item 7c - Surgical assistant licensure applicants - There were 5 Surgical Assistant applicants to be considered for approval. Mr. Turner moved to recommend to the full board that the 5 Surgical Assistant applicants be approved. Dr. Benavides seconded the motion. All voted in favor. The motion passed.**

**Agenda Item 8 - Discussion, recommendation, and possible action regarding licensee requests:**

**Item 8a - Request of physician for activation of canceled physician licenses** There were none.

**Item 8b - Request of physician to return to Active Status from Texas Retired Status** There were none.

**Agenda Item 9 - Discussion, recommendation, and possible action regarding cancellation of licenses by request for incomplete registration.**

**Item 9a Surgical Assistants** There were none.

**Item 9b Acudetox** There were none.

**Agenda Item 10 - Discussion, recommendation, and possible action regarding Nonprofit Health Organizations:**

**Item 10a - Applicants for initial certification - There were 5 applications for initial certification as a Nonprofit Health Organization for approval. Mr. Turner moved to recommend to the full board that the requests for initial certification as a Nonprofit Health Organization be approved. Dr. Oswalt seconded the motion. All voted in favor. The motion passed.**

**Item 10b - Requests for biennial recertification** - There were 5 applications for biennial recertification as a Nonprofit Health Organization for approval. **Mr. Turner moved to recommend to the full board that the requests for biennial recertification as a Nonprofit Health Organization be approved. Ms. Southard seconded the motion. All voted in favor. The motion passed.**

**Item 10c - Cancellation of organizations certified as Nonprofit Health Organizations** - There were none.

**Agenda Item 11 - Discussion, recommendation, and possible action regarding proposed additions and modifications to board rules:**

**Item 11a Texas Medical Board Rules.** There were none.

**Item 11b Texas Physician Assistant Board Rules.** There were none.

**Item 11c Texas State Board of Acupuncture Examiners Rules.** There were none.

**Agenda Item 12 Discussion, recommendation, and possible action regarding acceptable unapproved medical schools, authorization to take professional licensing examination, and utilization of statutory exemption from Texas Higher Education Coordinating Boards authority to approve medical schools, and possible rule change.** Mr. Simpson presented possible rule changes that will be discussed with the Licensure stakeholders group in March, updated based on their input, and presented to the Licensure Committee at the April Board meeting. One proposal is that TMB set forth the requirements of a medical school institution or degree program to authorize its graduates to take the professional licensing examination required for licensure by the board. This confirmation of existing guidelines will underscore TMBs exemption under 61.303 of the Texas Education Code, which in turn confirms TMBs authority to define acceptable unapproved medical schools and substantially equivalent medical education without conflicting with the Texas Higher Education Coordinating Boards (THECB) statutory authority in the area of school regulation. The second change calls for TMBs definition of acceptable unapproved medical schools to take into consideration THECB determinations, when reached through formal review processes, that an institution is fraudulent and substandard. In order to be licensed an applicant from one of those schools would have to meet remedies set out in rule.

**Agenda Item 13 Report on meeting of TMB Resource Group Regarding Guidelines for Referrals for Physical and Mental Health Examinations.** This report was deferred. Ms. Shackelford will make this report as part of the Executive Directors report on February 16, 2007.

**Agenda Item 14 Discussion, recommendation, and possible action regarding change to Texas Medical Jurisprudence Examination.** Ms. Garanflo presented a plan to use a testing service for all three jurisprudence examinations (physician, physician assistant, and acupuncture) and to better educate prospective licensees about medical law in Texas. Staff proposes that a pool of questions be created to address what the board, staff, and stakeholders determine to be the most critical for licensees to learn. The pool of questions would be published on the web along with answers. At the testing center the applicants would be presented with a random 50 questions from the pool. This would direct the prospective licensees learning to focus on the issues of the greatest importance. The committee directed staff to proceed with this plan.

**Agenda Item 15- Discussion, recommendation, and possible action regarding calculation of complexity for physician licensure applications.** Dr. Miller presented recommendations regarding the calculation of the complexity of applications, including changes in complexity of an application as it moves through the process. For example, an application considered to be low complexity might increase to medium complexity if the TMB learns that the applicant has not provided all of the documentation required or new information regarding the applicant coming to light. The goal is to quickly identify those applications that can move quickly through the process and to ensure that they do so. Dr. Miller also presented the idea of developing a video for prospective licensees to help them understand the licensure process and to provide them a brief introduction to the Board and its mission.

**Agenda Item 16 -** There being no further business, Dr. Miller adjourned the meeting at 3:30 p.m.