

TEXAS STATE BOARD OF PHYSICIAN ASSISTANT EXAMINERS
BOARD MEETING MINUTES
NOVEMBER 15, 2002

The meeting was called to order at 12:20 p.m. by the Chairman of the Board, G. Al Bendeck, PA-C. Board members present were Michael H. Belgard, PA-C; Margaret K. Bentley; Stephen D. Benold, M.D.; Pamela W. Clark; Dwight M. Deter, PA-C; Tony G. Hedges, D.O.; and Timothy Webb. Staff members present were Jerry T. Walker, Deputy Executive Director; Michele Shackelford, J.D., General Counsel; Jennifer Soffer, J.D., Assistant General Counsel; and various other staff.

Agenda item #3, Executive Directors report, was next. Mr. Walker reported that the staff has worked very hard during the past few months to improve processes in both licensing and enforcement and it has resulted in reducing the amount of time it takes to complete licensure applications and investigations. The board members were given copies of press releases regarding proposed proficiency testing for physicians, as well as recent statistical information on agency accomplishments.

Agenda item #4, a report regarding the Prescriptive Delegation Waiver Advisory Committee, was next. Ms. Jaime Garanflo, Director of Customer Affairs, updated the board members regarding the work of the Prescriptive Delegation Waiver Advisory Committee. A list of the committee members was given to the board members.

Agenda item #5, presentation by John Drobnica, President, Texas Academy of Physician Assistants (TAPA), was next. Mr. Drobnica presented information regarding TAPA's legislative agenda and stated that TAPA would be seeking legislative approval for physician assistants to have delegated authority to prescribe controlled substances.

Agenda item #6, report on physician assistant (PA) loan reimbursement program, was next. Ms. Shackelford explained the written report regarding the PA loan reimbursement program that had been received from the Office of Rural Community Affairs. No action was needed.

Agenda item #7, rehabilitation orders, was considered. Mr. Deter moved, Dr. Benold seconded, and the motion passed to go into executive session at 12:50 p.m. for 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; and the Physician Assistant Licensing Act, TEXAS OCCUPATIONS CODE ANNOTATED, §§204.208 and 204.254; and Attorney General's Opinion No. H-484. Open session resumed at 1:12 p.m. and it was announced that no action was taken during executive session. A certified agenda was made.

Dr. Hedges moved, Mr. Belgard seconded, and the motion passed to approve rehabilitation orders #17 and #18.

Agenda item #8, approval of orders, was next. Ms. Shackelford discussed the proposed procedure for handling routine administrative orders. In order to expedite the processing of these orders, she noted that routine matters could be handled through an informal settlement conference or by the full board, whichever occurs first. Following discussion by the board, **Dr. Hedges moved, Dr. Benold seconded, and the motion passed to approve the procedure for finalizing administrative orders as discussed. Mr. Belgard moved, Dr. Hedges seconded, and the motion passed to approve the following agreed orders: Lee Franklin, James M. Hickman, Jerry A. Johnstone, Don G. Culbertson, and Kevin D. Morgan.**

It was announced that there were no orders to be considered for agenda items #9-#13.

Agenda item #14, report on temporary suspension/automatic orders/automatic actions, was next. Ms. Shackelford reported on the order concerning Rocky D. Dial.

Agenda item #15, cancellation of licenses, was next. Dr. Hedges moved, Ms. Clark seconded, and the motion passed to approve the list of physician assistants for cancellation.

Agenda item #16, appointment of Disciplinary Panels, was next. Mr. Bendeck appointed the following: January-March 2003 Dr. Benold, Chair; Mr. Bendeck; Mr. Webb; Mr. Deter, alternate; and Ms. Clark, alternate. April-June 2003 Mr. Belgard, Chair; Mr. Deter; Dr. Hedges; Ms. Clark, alternate; and Ms. Bentley, alternate.

Agenda items #17, #18, and #19, approval of minutes, were next. Mr. Deter moved, Dr. Hedges seconded, and the motion passed to approve the minutes from the August 2, 2002 full board meeting, the August 2, 2002 Licensure Committee meeting, and the August 2, 2002 Long Range Planning Committee meeting.

Agenda item #20, approval of the August 2, 2002 Disciplinary and Ethics Committee minutes, was next. Mr. Belgard moved, Ms. Clark seconded, and the motion passed to approve the minutes.

Agenda item #21, report from the Long Range Planning Committee, was next. Mr. Bendeck gave a report and stated that the committee recommends amendments to the PA statute regarding temporary licenses. **Dr. Hedges moved, Ms. Clark seconded, and the motion passed to ask TAPA to include this recommendation in their legislative proposal.**

Agenda item #22, regarding a report from the Licensure Committee was next. Dr. Hedges reported that the committee recommends 143 applicants for licensure without restrictions and directs the Executive Director to issue a temporary license to 6 applicants with stipulations; and also directs the Executive Director to issue a temporary license to one applicant following the signing of a rehabilitation order. **Ms Clark moved, Mr. Deterseconded, and the motion passed to approve the report and the action items.**

Agenda item #23, regarding a report from the Disciplinary and Ethics Committee, was next. Mr. Belgard gave a report and stated that the committee reviewed four investigative files and recommendations from two informal settlement conference cases. The committee recommends closure of the four investigative files and one ISC case; and recommends that one case be scheduled for another ISC. **Dr. Hedges moved, Ms. Clark seconded, and the motion passed to approve the report and action items.** There was discussion about what the consensus of the board is regarding a person who admits to violating law or rules and whether the board should always take action against that licensee.

Ms. Shackelford reported on a letter received from a physician assistant regarding the Medical Boards proposed rules on the use of lasers. She stated that the rules are still pending due to the numerous comments received.

There was discussion regarding supervision in emergency room settings. Dr. Hedges stated that the Licensure Committee is referring this issue to the full board. **Dr. Hedges moved, Ms. Clark seconded, and the motion passed to direct staff to draft language regarding supervision in emergency room settings.**

There being no further business, the meeting adjourned at 2:05 p.m.