



Texas Medical Board

BOARD MEETING MINUTES

NOVEMBER 30, 2012

The meeting was called to order on November 30, 2012 at 8:01 a.m. by Irvin E. Zeitler, Jr., D.O., Board President. Board members present were Melinda McMichael, M.D., Vice-President; Michael Arambula, M.D.; Julie Attebury; Patricia S. Blackwell; Carlos L. Gallardo; J. Scott Holliday, D.O.; Margaret McNeese, M.D.; Allan H. Shulkin, M.D.; Stanley S. Wang, M.D., J.D.; and Timothy Webb, J.D. John D. Ellis, Jr., J.D.; Wynne M. Snoots, M.D.; and W. Roy Smythe, M.D. arrived a few minutes after roll call. David Baucom; Manuel G. Guajardo, M.D.; Paulette Southard; and George Willeford III, M.D., were not present. Board staff present were Mari Robinson, Executive Director; Robert Bredt, M.D., Medical Director; Tonie Knight, Licensure Manager; Megan Goode, Public Information and Special Projects Manager; and various other staff.

Dr. Bredt 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.

Presentation to past board member.

Dr. Zeitler presented a board resolution in appreciation of Patrick J. Crocker, D.O., for his outstanding service to the board. The resolution was read and signed by the board members.

Agenda item #3, Executive Director Report.

Budget. Ms. Robinson presented the budget report and stated the budget is progressing on target where it should be at this time of the fiscal year.

Personnel Update. Ms. Robinson gave a brief update on the reduced number of open staff positions and the turnover of nurse field investigators.

Outreach Update. Ms. Robinson gave an update on the number of outreach presentations conducted across the state and future plans for outreach presentations to first year medical students.

Legislative Update. Ms. Robinson gave a legislative update. Ms. Robinson reported staff will continue to closely monitor the self-directed semi-independent status proposal

that has yet to be filed.

Texas Institute of Health Care Quality and Efficiency Update. Ms. Robinson gave an update on the Texas Institute of Health Care Quality and Efficiency Committee. Dr. Snoots' concern that the over-use of data in a way that it would dictate what the standard of care would be was relayed to the committee. The committee included the concerns in their report language that says that data decision should not be used to supplant medical decision-making.

Federation Update. Ms. Robinson gave an update on the National Licensure topic that will be further discussed at a Federation meeting in January in Dallas.

FSMB annual meeting. Ms. Robinson gave a brief update on future Federation meeting dates including the annual meeting that will be held in April and advised the board members to contact Dr. Zeitler, if they are interested in serving as the voting delegate on behalf of the board.

HCMS. Ms. Robinson gave an update on the positive outcome of the Harris County Medical Society's annual meeting with the Board of Ethics that she and Dr. Bredt attended.

Ms. Robinson introduced and welcomed Richard Rahr, Ed.D, PA-C, the Texas Physician Assistant Board member appointed as the liaison to the Texas Medical Board.

Delegation registration. Ms. Robinson summarized the prescriptive delegation process that was implemented in 2010, requiring physicians to register with the Texas Medical Board if the physician delegates prescriptive authority to PA's or APN's. At the time this was instituted, physicians were being allowed to back-date their registration. After a brief discussion, the board directed staff to allow backdating for up to 30 days.

Agenda item #4, Medical Director Report.

Chart Monitor Update. Dr. Bredt discussed his involvement with the chart monitor process and reported there being an adequate number of chart monitors.

Dr. Bredt asked for direction as to whether or not to prescreen QA compliance files, after a brief discussion the board directed staff to prescreen QA compliance files and only send on files the QA panel may not want to continue with an ISC.

Agenda item #5, Public Information Update. Ms. Hopper, Public Information Officer, updated the Board on interactions with media since the previous Board meeting. Ms. Hopper also discussed possible topics for the upcoming TMB Bulletin as well as plans to update TMB's website.

Agenda item #6, Medical Board/Physician Assistant Liaison Report. Dr. Wang gave a brief report on the August 3, 2012 Physician Assistant Board meeting.

Consent Agenda

Discussion/Action Items – to be considered at any time the full board is in session:

1. Consideration and approval of the August 31, 2012 Board Meeting Minutes. **Ms. Attebury moved, Mr. Webb seconded, and the motion passed to approve the August 31, 2012 Board Meeting Minutes and action items.**
2. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Ms. Attebury gave a report of the Finance Committee meeting. **Dr. McMichael moved, Dr. Holliday seconded, and the motion passed to approve the Finance Committee minutes.**

Dr. McNeese gave a report of the Standing Orders Committee meeting. **Dr. Snoots moved, Ms. Blackwell seconded, and the motion passed to approve the minutes and action items.**

Dr. Zeitler gave a report of the Executive Committee meeting. **Dr. McMichael moved, Dr. Arambula seconded, and the motion passed to approve the Executive Committee minutes and action items.**

Agenda item #12, Consideration and possible action regarding pending litigation. Dr. McMichael moved, Dr. Arambula seconded, and the motion passed to go into Executive Session at 8:45 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-Code. Open session resumed at 9:10 a.m. and it was announced that no action was taken. A certified agenda was made.

Ms. Leshikar requested direction on pending litigation. After discussion, **Dr. McMichael moved, Dr. Holliday seconded, and the motion passed to reject the Teladoc settlement offer as presented.**

After discussion, **Ms. Blackwell moved, Mr. Gallardo seconded, and the motion passed to accept the Clarence King settlement agreement as outlined.**

After discussion, **Ms. Attebury moved, Dr. Holliday seconded, and the motion passed to file an appeal regarding the Physicians Assistants Business Alliance Texas vs. Texas Medical Board.**

Agenda item #7, Physician coaching update. Dr. McCracken gave an update on the progress and number of physician referrals from the Board to the Physician Coaching program.

Agenda #14, Consideration and Approval of Proposal for Decision at 9:30 a.m.

1. **Jesus A. Caquias, M.D., SOAH Docket No. 503-10-3509.MD.** Lee Bukstein, J.D., staff attorney, was present. Jesus A. Caquias, M.D. was present with R. W. Armstrong, attorney. Mr. Armstrong gave a presentation. Mr. Bukstein gave a presentation. After discussion, **Dr. McMichael moved, Mr. Webb seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law recommended by the Administrative Law Judge in the Proposal for Decision, and the Final Order filed by Board staff for dismissal.**
2. **Ruth Atlas, M.D., SOAH Docket No. 503-10-3038. MD, 9:45 a.m.** Lee Bukstein, J.D., staff attorney, was present. Ruth Atlas, M.D. was present with Ace Pickens, attorney. Mr. Pickens gave a presentation. Mr. Bukstein gave a presentation. After discussion, **Dr. Wang moved, Mr. Gallardo seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law recommended by the Administrative Law Judge in the Proposal for Decision, and the Final Order filed by Board staff for revocation.**
3. **Roderick Mitchell M.D., SOAH Docket No. 503-12-0145. MD, 10:15 a.m.** Susan Rodriguez, J.D., staff attorney, was present. Dr. Mitchell and Craig A. Washington, attorney, were not present. Ms. Rodriguez gave a presentation. After discussion, **Mr. Webb moved, Dr. McNeese seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law recommended by the Administrative Law Judge in the Proposal for Decision, and the Final Order filed by Board staff for revocation.**

Agenda item #13, Discussion, recommendation, and possible action regarding advertising CME. Ms. Robinson reported being contacted by a group that is sponsoring a private CME that relates to appropriate treatment of Lyme disease. The agency was asked to put a notice in the newsletter, however, the agency currently has no policy in place allowing private CME to be advertised in the newsletter. After discussion, the board directed staff not to allow private advertising for CME in the newsletter or the agency website.

Agenda item #11, Discussion, recommendation, and possible action regarding physicians taking the SPEX exam. Ms. Robinson summarized how the board currently utilizes the SPEX exam. Board sponsorship is required to take the SPEX exam. She reported receiving a couple of requests for sponsorship by people who are currently not actively in the disciplinary system nor are they applying for licensure. Ms. Robinson requested the board's direction regarding allowing to sponsor people who have not been ordered to take the SPEX exam to take the exam. After discussion, **Dr. McMichael moved, Dr. Arambula seconded, and the motion passed to only sponsor licensees who have already been suspended and are coming back to the board to prove competency and to sponsor licensees who are not in the disciplinary process with the board at all.**

Agenda #14, Consideration and Approval of Proposal for Decision at 10:30 a.m.

4. **Mark Gilliland, M.D., SOAH Docket No. 503-11-7286. MD.** Scott Freshour, J.D., staff attorney, was present. Mark Gilliland, M.D. was present with Tim Weitz,

attorney. Mr. Weitz gave a presentation. Mr. Freshour gave a presentation. **Dr. McMichael moved, Dr. Shulkin seconded, and the motion passed to go into Executive Session at 10:56 a.m. for 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 11:31 a.m. and it was announced that no action was taken. A certified agenda was made.

After discussion, Dr. Holliday moved to amend staff's ordering paragraph number 2 to read applicant should enter a board approved ACMG approved residency program for 2 years in general surgery and complete a 2 year ACMG residency. There being no seconded, the motion died.

After discussion, **Dr. McMichael moved and Dr. McNeese seconded the motion to accept staff's order for Mark Gilliland, M.D., with the modification to ordering paragraph number 2, of instead of completing the mini residency to complete: 1.) 1 year of an ACMG accredited general surgery residency 2.) 2 years of an ACMG residency in plastic surgery 3.) required drug testing for the duration of the respondent's license; and 4.) order cannot be subject to modification, due to concerns of the length of time out of practice. A vote was taken. Mr. Ellis abstained. Dr. Zeitler broke the tie by voting in favor of the motion and the motion passed.**

Mr. Webb made a counter motion to appeal this matter to the District Court. Mr. Webb motioned to reconsider the prior vote. The motion failed.

Agenda item #15, Consideration and Approval of Reconsideration of Proposal for Decision at 11:00 a.m.

1. **Larry Thirstrup, M.D., SOAH Docket No. 503-11-7462. MD.** Wendy Pajak, J.D., staff attorney, was present. Larry Thirstrup, M.D. was present with Scott Jones, attorney. Mr. Jones made a presentation. Mr. Jones withdrew his current motion for reconsideration on paragraph 13 and will file a supplemental motion regarding the proposed final order. Once the supplemental motion is received it will be submitted to the board for vote.

Agenda item, #16, Consideration and Approval of Determination of Default at 11:15 a.m.

1. **Louis D. Bernstein, M.D., SOAH #503-12-5927.MD.** Scott Freshour, J.D., staff attorney, was present. Dr. Bernstein was not present and no one was identified as representing Dr. Bernstein. Mr. Freshour gave a presentation. After discussion, **Dr. Wang moved, Dr. McNeese seconded, the motion passed to approve the Determination of Default for revocation of the licensure of Louis D. Bernstein, M.D.**

The board recessed at 12:10 p.m.

The board reconvened at 12:36 p.m. A quorum was confirmed.

Agenda item, #36, Open forum for public comments. No one signed-in to present public comments.

Agenda item, #32, Discussion, recommendation, and possible adoption of proposed amendments and rule review to 22 Texas Administrative Code:

- a. Chapter 163. Licensure
 - §163.1. Definitions
 - §163.2. Full Texas Medical License
 - §163.11. Active Practice of Medicine

Ms. Kaufman gave a brief summary of proposed amendments to Chapter 163. Written comments were received and reviewed. No one signed-in to present oral comments. After discussion, **Ms. Blackwell moved, Dr. Smythe seconded, and the motion passed to adopt proposed amendments to 22 T.A.C. Chapter 163. Licensure, §163.1 Definitions, §163.2 Full Texas Medical License, and §163.11 Active Practice of Medicine for publication.**

- b. Chapter 171. Postgraduate Training Permits
 - §171.3. Physician-in-Training
 - §171.6. Duties of Program Directors to Report

Ms. Kaufman gave a brief summary of proposed amendments to Chapter 171. No written comments were received. No one signed-in to present oral comments. After discussion, **Ms. Attebury moved, Dr. Smythe seconded, and the motion passed to adopt proposed amendments to 22 T.A.C. Chapter 171. Postgraduate Training Permits, §171.3 Physician-in-Training and §171.6 Duties of Program Directors to Report for publication.**

- c. Chapter 172. Temporary and Limited Licenses
 - §172.5 Visiting Professor Temporary License
 - §172.12 Out-of State Telemedicine License

Ms. Kaufman gave a brief summary of proposed amendments to Chapter 172. No written comments were received. No one signed-in to present oral comments. After discussion, **Dr. McNeese moved, Mr. Webb seconded, and the motion passed to adopt proposed amendments to 22 T.A.C. Chapter 172. Temporary and Limited Licenses, §172.5 Visiting Professor Temporary License and §172.12 Out-of-State Telemedicine License for publication.**

- d. Chapter 180. Texas Physician Health Program and Rehabilitation Orders
 - §180.4 Operation of Program

Ms. Kaufman gave a brief summary of proposed amendments to Chapter 180. No written comments were received. No one signed-in to present oral comments. After discussion, **Dr. Snoots moved, Ms. Attebury seconded, and the motion passed to adopt proposed amendments to 22 T.A.C Chapter 180. Texas Physician Health Program and Rehabilitation Orders, §180.4 Operation of Program for publication.**

- e. Chapter 190. Disciplinary Guidelines

§190.8. Violation Guidelines
§190.14. Disciplinary Sanction Guidelines

Ms. Robinson gave a brief summary of proposed amendments to Chapter 190. No written comments were received. No one signed-in to present oral comments. After discussion, **Dr. Wang moved, Mr. Webb seconded, and the motion passed to adopt proposed amendments to 22 T.A.C. Chapter 190 Disciplinary Guidelines, §190.8 Violation Guidelines and §190.14 Disciplinary Sanction Guidelines for publication.**

- f. Chapter 197. Emergency Medical Service
 - §197.2. Definitions
 - §197.3. Off-line Medical Director

Ms. Robinson gave a brief summary of proposed amendments to Chapter 197. Written comments were received and reviewed. No one signed-in to present oral comments. After discussion, **Dr. Snoots moved, Ms. Blackwell seconded, and the motion passed to adopt proposed amendments to 22 T.A.C Chapter 197 Emergency Medical Service, §197.2 Definitions and §197.3 Off-line Medical Director for publication.**

Agenda item #33, Discussion, recommendation and possible action regarding emergency Board rule 22 T.A.C. §161.3 relating to Organization and Structure. Ms. Leshikar gave a brief summary of emergency Board rule 22 T.A.C. §161.3 related to Organization and Structure. After discussion, **Dr. McMichael moved, Dr. Arambula seconded, and the motion passed to adopt emergency Board rule T.A.C. §161.3 relating to Organization and Structure for publication.**

There were no items for Agenda items #34-35.

Agenda item #17, Consideration and Approval of Modification Request/ Termination Request of Non-Public Rehabilitation Orders. After consideration, **Dr. Arambula moved, Mr. Gallardo seconded, and the motion passed to approve the Modified Agreed Rehabilitation Order #667; and Termination Granted of Rehabilitation Order #350.**

Agenda item #18, Consideration and possible action for Agreed Board Orders. After discussion, **Dr. McMichael moved, Mr. Gallardo seconded, and the motion passed to deny the Agreed Order for #21 and proceed to the State Office of Administrative Hearings for revocation, due to the constant non-compliance on behalf of the respondent.**

After discussion, **Dr. Arambula moved, Ms. Blackwell seconded, and the motion passed to approve the Agreed Orders en masse for Charles L. Fougrousse, M.D.; Ples Kujawa, M.D.; Jack Pruett, M.D.; Hector Tobon, M.D.; Mildred E. Watson, M.D.; Philip A. Floyd, M.D.; Joel Juarez-Urbe, M.D.; Kthleen Majors, M.D.; Troy Miller, M.D.; Mark T. Murphy, M.D.- Order Vacating; Mark T. Murphy, M.D.; Lynn E. Taylor, M.D.; Todd Clements, M.D.; William G. Friesen, M.D.; Scott H. Hung, M.D.; Larry L. Likover, M.D.; Oscar C. Oandasan, M.D.; Rizalino Reyes, M.D.; Maxie C. Sprott, II, M.D.; Jacqueline**

Weil, M.D.; Jerry W. Dodson, M.D.; Yemi M. Fasakin, M.D.; Andrew Jones, M.D.; Kenneth Licker, M.D.; Mario Martinez, M.D.; Rolando N. Torio, M.D.; Stephen Waller, M.D.; Charles H. Fisher, M.D.; Charles R. Leone, Jr., M.D.; Rani Lewis, M.D.; Mahoor C. Moradi, M.D.; Linda J. Roos, M.D.; New Haven Medical Clinic; Alice Blount, M.D.; Sajoy Sundaresan, M.D.; Hector O. Molina, M.D.; Rick G. Lorentz, M.D.; Esteban Alejo, M.D.; and Clarence King, M.D.

Agenda item #19, Consideration and Approval of Modification Request/ Termination Request Orders. After discussion, **Dr. McNeese moved, Ms. Attebury seconded, and the motion passed to deny the Termination Request Order for #5 and offer a Modification Order, eliminating the chart monitoring and keeping the DEA restrictions on schedules II-IV.**

After discussion, **Dr. Arambula moved, Ms. Blackwell seconded, and the motion passed to approve the Modification Granted for Gregory B. Cartwright, M.D., Norman McCall, M.D., Richard B. Patt, M.D., and Sylvester G. Vaughns, M.D.; Termination Request Orders Granted for Edgar Cardenas, M.D., Karl Griffith, M.D., David H. Janowitz, M.D., Ruben D. Martinez, M.D., Morris K. Patteson, Jr., M.D., David Suominen, M.D., Elizabeth Johnson, D.O., and Brian B. Rogers, D.O. ; and Termination Denied Orders for Kenneth E. Baird, M.D., Christopher Elder, M.D.; Ransome Etindi, M.D., Muhammed Fazel, M.D., Edward Gripon, M.D., and Walid H. Hamoudi, M.D.**

Agenda item #20, Consideration and Approval of Mediated Settlement Agreed Orders. **Dr. Arambula moved, Dr. Wang seconded, and the motion passed to approve the Mediated Settlement Agreed Orders en masse for: Bruce E. Cox, M.D., Barbara D. Marino, M.D., Michael W. Britt, M.D., Oscar N. Lighter, M.D., Michael A. Mitchell, D.O., Susan Payberah, M.D., and Kenneth R. Phillips, D.O.**

Agenda item #21, Consideration and Approval of Remedial Plans. Ms. Robinson asked for clarification regarding issuing Remedial Plans to respondents with a prior order for the same subject or any prior orders. After discussion, the board deferred the discussion to later in the meeting.

After discussion, **Dr. McMichael moved and Mr. Gallardo seconded a motion to modify the Remedial Plan for #6, revising the Findings of Fact from respondent failed to timely release records for one patient to the respondent failed to timely respond to patient request.** After discussion, **Dr. McMichael and Mr. Gallardo withdrew the motion.**

After discussion, **Dr. Wang moved, Dr. Arambula seconded, to dismiss the case.** The motion failed.

After discussion, **Dr. Wang moved, Mr. Webb seconded, and the motion passed to change the Remedial Plan for #8 to an Agreed Order with the same content.**

After discussion, **Dr. McMichael moved, Dr. Wang seconded, and the motion passed to change the Remedial Plan for #20 to an Agreed Order with the same content.**

After discussion, **Dr. Wang moved, Dr. Arambula seconded, and the motion passed to change the Remedial Plan for #31 to an Agreed Order and remove the reference to the sexual email from the Findings of Fact and Conclusions of Law.**

After discussion, **Dr. McMichael moved, Mr. Webb seconded, and the motion passed to change the Remedial Plan for #33 to an Agreed Order, due to concerns of standard of care.**

After discussion, **Dr. Wang moved, Dr. Shulkin seconded, and the motion passed to change the Remedial Plan for #44 to an Agreed Order, due to previous board history.**

After discussion, **Dr. Arambula moved, Ms .Blackwell seconded, and the motion passed to approve the Remedial Plans en masse for Darwin, W. Smith, M.D.; Laura G. Balmain, M.D.; James J. Boehmke, D.O.; John C. Cozart, M.D.; Gordon E. Crofoot, Jr., M.D.; David L. Duke, III, M.D.; Samir S. Ebeade, M.D.; Dov Kadmon, M.D.; Daniel B. Kalb, M.D.; Stanley C. Knowles, M.D.; Willie J. Lett, M.D.; James A. Poplawsky, D.O.; Jerome Sawka, M.D.; Brian Snow, M.D.; David C. Turney, M.D.; Randolph Whitford, M.D.; Douglas E. Wright, M.D.; Homero Arriola, M.D.; James A. Bodin, M.D.; Gloria Burroughs, M.D.; Jose L. Castaneda, M.D.; Jay Chavda, M.D.; Roderick P. Diggs, III, M.D.; Lisa L. Gardner, M.D.; Lama Hashish, M.D.; Mei M. Hu, M.D.; Donald H. John, M.D.; Joseph E. Moroschan, M.D.; Joseph Padalino, M.D.; Kyle D. Peterson, M.D.; Lawrence W. Sanders, M.D.; Michael V. Shelton, M.D.; Zahida R. Siddiqi, M.D.; Orlando J. Terneny, M.D.; Toni A. Willis, M.D.; Joel S. Wolinsky, M.D.; Mark Clothier, M.D.; Ashkan Mowla, M.D.; Thomas J. Pfeil, Jr., M.D.; Ramegowda Belakere, M.D.; Rudy P. Briner, M.D.; Cristo A. Calle, M.D.; Eduardo O. Caveda, M.D.; Andrew B. Civitello, M.D.; Rubin W. Harris, M.D.; Haitham Jifi-Bahloul, M.D.; Robert F. Lodato, M.D.; David B. Mandel, M.D.; Edilberto R. Miguel, M.D.; Jonathan D. Polk, M.D.; James E. Race, M.D.; Shama Rasheed, M.D.; James W. Scheurich, M.D.; Sally L. Smith, M.D.; David M. Smock, M.D.; Zainab H. Soumahoro, M.D.; Victoriano Valdez, M.D.; Roderick V. Vergel De Dios, M.D.; Angele Bishara, M.D.; William G. Simpson, M.D.; and Jane E. Torgerson, M.D.**

There were no items for Agenda items # 22-23.

Agenda item # 24, Report on Temporary Suspensions. A report was given on the Temporary Suspension With Notice of Wayne Soignier, M.D.; and Temporary Suspension Without Notice of Ron Daniels, D.O.

There were no items for Agenda item # 25.

Agenda item #26, Consideration and approval of Cease and Desist Orders. After consideration, **Dr. McNeese moved, Dr. Arambula seconded, and the motion passed to approve the Cease and Desist Orders for Kirk Merrikh; Zsolt Petko; Carl Shenkman, M.D.; and Darlene Tryon.**

Agenda item #27, Report on motions for rehearing. A report was presented on a motion for rehearing.

There were no items for Agenda items #28-31.

Agenda item #8, Discussion, recommendation, and possible action regarding the use of e-mail to transmit patient information or submit orders for patients. Ms. Kaufman gave a brief background summary related to physician texting of orders regarding patients in a hospital settings or healthcare setting. After discussion, the following board members were appointed to the Electronic Medical Records and Communication Ad Hoc Committee: Wynne Snoots, M.D., Julie Attebury, Scott Holliday, D.O., and W. “Roy” Smythe, M.D.

Agenda item #9, Discussion, recommendation, and possible action regarding reporting Remedial Plans to the Federation of State Medical Boards. Ms. Robinson reviewed Remedial Plan statistics for FY2012 and requested the board’s direction. After discussion, **Dr. Arambula moved, Dr. Snoots seconded, and the motion passed to not report Remedial Plans to the Federation of State Medical Boards.**

After discussion, Ms. Robinson requested the board’s direction regarding who can be offered a Remedial Plan. Ms. Attebury moved and Dr. McMichael seconded a motion that a respondent cannot receive a Remedial Plan if the respondent has any prior disciplinary action. The motion failed. *See reconsideration below.

Agenda item #10, Discussion, recommendation, and possible action regarding reporting actions to the National Practitioner Databank. Ms. Robinson reviewed the current National Practitioner Databank reporting requirements. After discussion, **Dr. Snoots moved, Dr. Arambula seconded, and the motion passed that chart monitoring is to not be considered as a restriction or a reprimand when reporting actions to the National Practitioner Databank.**

After discussion, **Dr. Snoots moved, McMichael seconded, and the motion passed that the following are not considered related to the delivery of healthcare a.) information on application or renewal; b.) release of medical records; c.) failure to update address; d.) failure to get CME; e.) failure to respond to board subpoena; and f.) sexual harassment or crime not related to a patient.**

After discussion, **the board directed staff that a respondent cannot be offered a Remedial Plan for a same type of allegation or similar prior order.**

Consent Agenda

Discussion/Action Items – to be considered at any time the full board is in session:

Dr. Arambula gave a report of the Licensure Committee meeting. **Dr. Arambula moved, Ms. Attebury seconded, and the motion passed to approve the Licensure Committee meeting minutes and action items.**

Dr. McMichael gave a report of the Disciplinary Process Review Committee meeting. **Dr. McMichael moved, Ms. Blackwell seconded, and the motion passed to approve the Disciplinary Process Review Committee minutes and action items.**

There being no further agenda items, the meeting adjourned at 3:21 p.m.