

**TEXAS MEDICAL BOARD
BOARD MEETING MINUTES**

February 16, 2007

The meeting was called to order on February 16, 2007 at 8:35 a.m. by Board President, Roberta Kalafut, D.O. Board members present were Lawrence L. Anderson, M.D.; Michael Arambula, M.D.; Julie Attebury; Jose M. Benavides, M.D.; Patricia S. Blackwell; Melinda S. Fredricks; Margaret C. McNeese, M.D.; Eddie J. Miles, Jr.; Keith E. Miller, M.D.; John W. Pate, Jr., M.D.; Larry Price, D.O.; 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. Arambula read the Texas Medical Board mission statement 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."

Jane McFarland and Jaime Garanfio recognized several new staff members.

Agenda item #2, Executive Session. Dr. Price moved, Dr. Benavides seconded, and the motion passed to go into Executive Session at 8:40 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 10:07 a.m. and it was announced that no action was taken. A certified agenda was made.

After discussion, **Dr. Price moved, Ms. Southard seconded and the motion passed to express to the 80th Legislature that HB 174 as revised has resolved the concerns of the Board regarding public protection and adequate regulatory guidelines for non-ablative laser hair removal procedures.**

Agenda item #3, Report on licensure applicant #497. No action is need since the applicant has recently withdrawn their application.

Agenda item #4, Consideration and Approval of Non-Public Rehabilitation Orders and Modification Request/Termination Request of Non-Public Rehabilitation Orders.

After discussion, **Dr. Price moved, Dr. Benavides seconded, and the motion passed to approve the orders Non-Public Rehabilitation Orders and Modification Request/Termination Request of Non-Public Rehabilitation Orders number one through eleven.**

Agenda item #5, Consideration and Approval of Agreed Board Orders. After discussion, **Ms. Blackwell moved, Ms. Southard seconded, and the motion passed to approve the Agreed Order for Robert S. McCrea, M.D.**

After discussion, **Dr. Khan moved, Dr. Anderson seconded, and the motion passed to approve the Agreed Order for Dwight J. Nichols, M.D.**

After discussion, **Dr. Oswalt moved and Ms. Fredricks seconded a motion to approve the Agreed Order for Asha K. Haji, M.D., without the provision of a monetary fine. The motion did not pass.** After discussion, **Ms, Southard moved, Ms. Blackwell seconded, and the motion passed to approve the Agreed Order for Asha K. Haji, M.D., as written.**

After discussion, **Dr. Price moved, Dr. Anderson seconded, and the motion passed to approve the Agreed Order for Brian D. Loftus, M.D.**

After discussion, **Dr. Oswalt moved, Ms. Southard seconded, and the motion passed to approve the Agreed Order for Edward E. Spencer, M.D.**

After discussion, **Dr. Miller moved, Mr. Turner seconded, and the motion passed to approve the Agreed Order for Ronald V. Washak, M.D.**

Ms. Attebury moved, Dr. Oswalt seconded, and the motion passed to approve the Agreed Orders for the following: Dennis David Cantu, M.D.; David R. Evans, D.O.; Mark D. Gilliland, M.D.; Keith P. Hughes, M.D.; Alice Ingram, M.D.; Hossein Lahiji, M.D.; Mary G. Miesch, M.D.; Wesley D. Palmer, D.O.; Rex D. Poole, M.D.; Tarakumar Reddy, M.D.; Jose Reyes, M.D.; Frederick J. Russol, M.D.; Walter Sorokolit, M.D.; Victor Vlahakos, M.D.; Nancy M. Bertsch, M.D.; Hamilton W. Kilpatrick, M.D.; Daniel J. Ladd, D.O.; Suzanne E. Mack, M.D.; David W. Sanchez, M.D.; Ryan D. Ford, M.D.; Odette L. Campbell, M.D.

Agenda item #6, Consideration and Approval of Administrative Orders. After discussion, **Ms. Blackwell moved, Dr. Pate seconded, and the motion passed to approve the Administrative Orders for the following:** William B. Burroughs, D.O.; Brian E. Harris, M.D.; Dennis D. Messenger, M.D.; Paul Redman, M.D.; Fulgencio P. Salinas, M.D.; Fayez G. Seif, M.D.; Donald Wald, M.D.; Ranganayaki Yalavarthi, M.D.; Paul F. Engstrom, M.D.; Ira G. Lown, M.D.

Agenda item #7, Consideration and Approval of Modification Request/Termination Request Orders. After discussion, **Dr. Miller moved, Mr. Turner seconded, and the motion passed to approve the Modification Request Order for William S. Blessing, M.D.**

After discussion, **Dr. Miller moved, Mr. Turner seconded, and the motion passed to approve the Termination Request Orders for William J. Dickey, M.D., and George M. Molhusen, M.D.**

After discussion, **Ms. Fredrick moved, Dr. Pate seconded, and the motion passed to approve the Modification Request Order for Paul Henry Cho, M.D.**

After discussion, **Ms. Southard moved, Ms. Fredrick seconded to deny the Termination Request Order for Roger S. Yim, D.O.** The motion failed. After discussion, **Dr. Pate moved, Dr. Price seconded to approve the Order Termination Request for Roger S. Yim, D.O.** The motion failed. After discussion, **Ms. Attebury moved, Mr. Turner seconded and the motion passed to defer making a decision regarding the Termination Request Order for Roger S. Yim, D.O. until such time as a board-approved monitor reviews Dr. Yim's medical charts for the period of one week.**

There were no items for Agenda item #8.

Agenda item #9, Consideration and Approval of Nunc Pro Tunc Orders. After discussion, **Ms. Fredricks moved, Ms. Blackwell seconded, and the motion passed to approve the Nunc Pro Tunc Order for Damaso A. Oliva, Jr., M.D.**

Agenda item #10, Consideration and Approval of Mediated Settlement Agreement Orders. After discussion, **Dr. Miller moved, Ms. Fredricks seconded, and the motion passed to approve the Mediated Settlement Agreement Order for Lewis J. Frazee, M.D.**

There were no items for Agenda items #11 and #12.

Agenda Item #13, Consideration and Approval of Suspension Orders. The matter scheduled for discussion was removed from the agenda.

There were no items for Agenda item #14.

Agenda Item #15, Report on Temporary Suspensions Orders. Nancy Leshikar gave a report on Temporary Suspensions for the following: Michael L. Williams, M.D.; Carlos D. Cunado, M.D.; and Steven Howard Farber, M.D.

There were no items for Agenda items #16 and #17.

Dr. Price moved, Dr. Anderson seconded, and the motion passed to go into Executive Session at 11:15 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 11:25 a.m. and it was announced that no action was taken. A certified agenda was made.

After discussion, **Dr. Benavides moved, Ms. Blackwell seconded and the motion passed to approve the Agreed Order for Warner B. Massey, M.D.**

Agenda item #18, Consideration and Approval of Proposal for Decision. After discussion, **Dr. Miller moved, Dr. Khan seconded, and the motion passed to approve the Proposal for Decision regarding Stephen A. Stoffel, D.O.**

Discussion item #2, Board Member report. Dr. Kalafut asked the board members who would like to represent the Board at the upcoming Federation of State Medical Boards Annual Meeting in May. Mr. Turner volunteered to attend the meeting on behalf of the Board.

Dr. Kalafut discussed the resource group report guidelines for referrals for physical and mental examinations.

Discussion item #1, Executive Director's Report. Dr. Patrick presented the staff service bonds. Dr. Patrick presented a plaque to Michele Shackelford, General Counsel, upon her retirement from the Board. The Board members thanked Ms. Shackelford for her service.

Agenda item #19, Public Hearing, Consideration, and possible action regarding Adoption of Proposed Rule Changes.

Dr. James Morgan, Regional Medical Director for the Texas Department of Health appeared along with Dr. Phil Wong from State Health Services to voice their support for the

Board rule. After discussion, **Mr. Turner moved, Dr. Oswalt seconded, and the motion passed to accept the proposed rule changes for Chapter 172, Temporary and Limited Licenses, to include the addition of 172.15, Public Health License, regarding a new limited license for the practice of public health medicine.**

Agenda item #20, Discussion regarding Chapter 165. Dr. Kalafut noted that it was recommended that the practice entity should provide the custodian with a list of names and addresses of patients that the custodian had seen or treated within the past six months, not one year as stated in the draft. Staff was directed to make the requested change.

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

Dr. Kalafut gave a report of the Executive Committee. **Ms. Fredricks moved, Dr. Pate seconded, and the motion passed to approve the Executive Committee minutes and action items with a correction to indicate that Dr. Eric Scheffey's license was revoked by the Board rather than suspended.**

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

Ms. Southard gave a report of the Public Information Committee meeting. **Ms. Southard moved, Dr. Benavides seconded, and the motion passed to approve the Public Information minutes.**

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

Dr. Miller gave a report of the Licensure Committee meeting. **Dr. Miller moved, Dr. Benavides seconded, and the motion passed to approve the Licensure Committee meeting**

Dr. Anderson gave a report of the Disciplinary Process Review Committee. **Dr. Miller moved, Dr. McNeese seconded, and the motion passed to approve the Disciplinary Process Review Committee minutes and action items.**

The Standing Orders Committee meeting did not meet.

There being no further items the meeting adjourned at 1:09 p.m.