

TEXAS MEDICAL BOARD
BOARD MEETING MINUTES

April 13, 2007

The meeting was called to order on April 13, 2007 at 8:30 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; Robert Simpson, J.D., General Counsel; Jane McFarland, Chief of Staff; and various other staff. Dr. Benavides read the Texas Medical Board mission statement into the minutes.

Our Boards mission is to protect and enhance the publics 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 #3, Executive Director Report. Dr. Patrick introduced Jennifer Kaufman, the Boards new Assistant General Counsel.

Agenda item #4, Legislative Report. Jane McFarland provided an update regarding the pending legislation concerning the Board. Ms. McFarland indicated that the a motion would be necessary in order for the Board to exceed its employee cap should the supplemental house bill pass that would add six new staff positions to the Licensure Division.

Agenda item #5, Executive Session. Dr. Price moved, Dr. Benavides seconded, and the motion passed to go into Executive Session at 9:55 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 Generals Opinion No. H-484. Open session resumed at 10:50 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda item #6, Consideration and Approval of Non-Public Rehabilitation Orders and Modification Request/Termination Request of Non-Public Rehabilitation Orders.

After discussion, **Dr. Pate moved, Mr. Turner seconded, and the motion passed to deny the termination request of Non-Public Agreed Rehabilitation Order #46. Dr. Miller recused himself from voting.**

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

Agenda item #7, Consideration and Approval of Agreed Board Orders. After discussion, **Dr. Price moved, Dr. Anderson seconded, and the motion passed to approve the Agreed Order for Rebecca U. Garza, M.D. once the language in the Findings of Fact is changed to indicate that several issues were addressed in the previous April 5, 2002 Order.**

After discussion, **Dr. Miller moved and Dr. Pate seconded to approve the Agreed Order for Raymond A. Harron, M.D. Seven members opposed the motion. The motion carried.**

After discussion, **Dr. Price moved and Dr. Pate seconded, and the motion passed to approve the Agreed Order for Dennis G. Hooper, M.D., once the Order is changed to strictly limit Dr. Hoopers practice to clinical pathology.**

After discussion, **Dr. Price moved, Dr. Anderson seconded and the motion passed to approve the Agreed Order for Rick G. Lorentz, M.D. as written.**

After discussion, **Dr. Pate moved, Dr. Benavides seconded, and the motion passed to approve the Agreed Order for Jack R. Pruett, M.D. once the Order is amended to prohibit Dr. Pruett from supervising a nurse practitioner or physician assistant.**

After discussion, **Mr. Turner moved, Dr. Benavides seconded, and the motion passed to approve the Agreed Order for Benjamin V. Thurman, M.D. once the requirement of a three-year chart monitor is added. Dr. Zeitler recused himself from the vote.**

After discussion, **Dr. Anderson moved, Dr. Pate seconded, and the motion passed to approve the Agreed Order for Winston Whitt, M.D. once additional language is added to the Findings of Fact and the names of the ISC panel members are corrected**

After discussion, **Dr. Guajardo moved, Ms. Raggette seconded, and the motion passed to approve the Agreed Order for William M. Spurlock, M.D. once the noted grammatical error has been corrected.**

After discussion, **Dr. Pate moved, Mr. Turner seconded, and the motion passed to approve the Agreed Order for Jan R. Werner, Jr., M.D.**

After discussion, **Dr. Pate moved, Dr. Guajardo seconded, and the motion passed to approve the Agreed Board Order for Ali Vagefi, M.D. Dr. Anderson recused himself from the vote.**

After discussion, **Dr. Guajardo moved, Dr. Price seconded, and the motion passed to approve the Agreed Board Order for Jill A. Taylor, D.O. once the Order is changed to include ten hours of CME.**

Dr. Price moved, Mr. Miles seconded, and the motion passed to approve the Agreed Orders for the following: Robert J. Bacon, Jr., M.D.; Jesus Caquias, M.D.; Preston DeShan, M.D.; Demetris Green, M.D.; Bernard D. Kornell, M.D.; Cesar E. Maldonado, M.D.; Randolph Rountree, M.D.; Salvador Saldivar, M.D.; Donald Simmons, M.D.; Lee Stevens, M.D.; Edward U. Tomaneng, M.D.; and Margaret Waisman, M.D.

Agenda item #8, Consideration and Approval of Administrative Orders. After discussion, **Dr. Miller moved, Dr. Pate seconded, and the motion passed to approve the Administrative Orders for the following:** Roland G. Arafiles, M.D.; Thomas P. Burns, M.D.; Robert S. Feferman, M.D.; Mark T. Malone, M.D.; Reg C. Martin, M.D.; and Rezik A. Saqer, M.D.

Agenda item #9, Consideration and Approval of Modification Request/Termination Request Orders. After discussion, **Dr. Price moved, Mr. Miles seconded, and the motion passed to approve the Modification Request Orders for the following:** Rafael F. Garcia, M.D.; Juan F. Loya, M.D.; J. Mark McBath, M.D.; James A. McCorkle, M.D.; Peter Rafael, M.D.

After discussion, **Dr. Price moved, Mr. Miles seconded, and the motion passed to approve the Termination Request Orders for the following:** Juli Arauz, M.D.; Salvador Baylan, M.D.; and Jeff Spaw, M.D.

There were no items for Agenda items #10 and #11.

Agenda item #12, Consideration and Approval of Mediated Settlement Agreement Orders. After discussion, **Dr. Anderson moved, Ms. Blackwell and the motion passed to approve the Mediated Settlement Agreement Orders for the following:** Philip Eichelberger, Jr., M.D.; Billy H. Puryear, M.D.; Robert L. Rock, M.D.; Timothy Rogler Brown, M.D.; and Charles I. Sitomer, M.D.

After discussion, **Dr. Miller moved, Mr. Miles seconded and the motion passed to deny the Mediated Settlement Agreement Order for William R. Sheldon, Jr., M.D.**

Agenda item #13, Consideration and Approval of Termination of Suspension Orders. After discussion, **Dr. Anderson moved, Ms. Blackwell seconded and the motion passed to deny the termination requests of Bruce R. McFarland, M.D. and Robert Warr, M.D.**

There were no items for Agenda items #14, #15, and #16.

Agenda Item #17, Report on Temporary Suspensions Orders. Nancy Leshikar gave a report on Temporary Suspensions for Ronald Salmond, M.D

There were no items for Agenda items #18, #19 and #20.

Agenda item #21, Discussion, recommendation and possible action regarding request to employ additional FTEs contingent upon passage of a supplemental appropriation to the agency for the Fiscal Year 2007. Dr. Pate moved, Dr. Anderson seconded, and the motion passed to instruct staff to request permission from the Legislative Budget Board and the Office of the Governor to exceed the agency's FTE cap to employ an additional six FTEs in the Licensure Division, contingent upon passage of HB 15 or similar legislation appropriating additional funding for this purpose.

Discussion Item #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. **Ms. Attebury moved, Ms. Blackwell seconded, and the motion passed to approve the Finance Committee meeting 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. Anderson moved, Dr. Benavides seconded, and the motion passed to approve the Disciplinary Process Review Committee minutes and action items.**

Dr. Kalafut gave a report of the Executive Committee meeting. **Mr. Miles moved, Dr. Anderson seconded and the motion passed to approve the Executive Committee minutes and action items.**

The Standing Orders, Public Information and Legislative Committees did not meet.

There being no further items the meeting adjourned at 1:25 p.m.