

TEXAS PHYSICIANS ASSISTANT BOARD
MINUTES OF THE
DISCIPLINE AND ETHICS COMMITTEE
March 6, 2015

Dr. Felix Koo, M.D. called the meeting to order at 9:37am. Other members present were Reginald C. Baptiste, M.D., and Linda Delaney, P.A. Committee Member Anna Arredondo Chapman was not present.

Staff members present were Mari Robinson, Executive Director, and various other staff.

Agenda Item #2. Discussion, recommendation, and possible action regarding referrals and reports from the Texas Physician Health Program.

The Executive Director, Dr. John B. Fitzwater, presented the status of certain cases in PHP's current caseload to the Discipline & Ethics Committee for possible referral back to the Board and requested additional guidance.

Dr. Baptiste moved, and Ms. Delaney seconded that PHP Case # 1 remain under the management of PHP and that PHP provide the licensee two weeks from the date of discharge from the hospital to retire his PA license. If he does not choose to retire by the end of that period, the PA will be referred back to the jurisdiction of the PA Board.

Agenda Item #3. Reports and discussion regarding the Investigation, Litigation and Compliance Departments.

Ms. Robinson presented the Enforcement Report for December 2014, a copy of which is attached. This was an informational item only and no vote was necessary.

Agenda Item #4. Review, discussion and possible action regarding appeals of dismissed complaints. A. i. Investigations: 14-6500; ii. Legal Files: 14-0611 (14-1840). B. Jurisdictional-Not-Filed Complaints: 14-6678, 15-1959, 15-2403.

Ms. Delaney moved, and Dr. Baptiste seconded that the appeal of Item 4.A. i., Log #14-6500 be denied. Motion carried.

Dr. Baptiste moved, and Ms. Delaney seconded that the appeals of Item 4.B., Logs #14-6678, 15-1959, and 15-2403 be denied. Motion carried

Dr. Koo moved, and Dr. Baptiste seconded; the motion passed at 10:08 am to go into Executive Session 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 10:33am and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

Dr. Baptiste moved, and Dr. Koo seconded that the appeal of Item 4.A. ii., Log #14-0611 (14-1840) be granted and be sent to a second ISC. Ms. Delaney opposed. Motion passes.

Agenda Item #5. Review, discussion, and possible action regarding selected files and cases.

Dr. Baptiste moved, and Ms. Delaney seconded that the Legal Dismissal #14-0860 be closed with a custom letter sent to Respondent notifying of such dismissal, but clarifying that it is the position of the Board that Texas law prohibits a physician from delegating the practice of acupuncture to an individual who is not licensed to practice acupuncture. Motion carried.

Dr. Koo moved, and Ms. Delaney seconded that the investigations and cases reviewed by the committee be resolved as noted and that they be listed along with each resolution as part of the minutes of this Committee. Motion carried.

Agenda Item #6. Adjourn.

Dr. Baptiste moved, and Ms. Delaney seconded that the meeting adjourn. Motion carried at 10:35am.

**Texas Physician Assistant Board –
Discipline and Ethics Committee
TXPHP - Participant Case Review
March 6, 2015**

Case #	Remain with PHP	TMB Accepted	Continue
1	X		

Enforcement Report December 2014

Enforcement Highlights

Investigation Department

During December 2014, staff initiated 163 investigations. Of these investigations, 47.2% (77) involved initial allegations of quality of care concerns, 12.2% (20) involved medical malpractice concerns, and 4.2% (7) involved initial allegations of substance abuse or physical/mental impairment. Staff completed 156 investigations, referring 42.3 % (66) to the Litigation Department for prosecution.

Litigation Department

During December 2014, staff held 2 I.S.C./Show Compliance Proceedings and filed 3 Formal complaints at S.O.A.H.

Compliance Department

As of December 2014, there are 725 probationers and staff conducted 311 drug/alcohol screens.

Board Actions

The Medical Board did not meet in December.

The Physician Assistant Board met in December and issued 9 disciplinary decisions, 6 dismissals and 5 non-disciplinary decisions.

The Board of Acupuncture Examiners did not meet in December.

December FY' 15

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December FY' 15

INVESTIGATIONS SECTION (CON'T)	12/31/2014	FY 2015	FY 2014	FY 2013
Surgical Assistant	0	2	2	0
No active license	0	0	0	0
Duplicate allegations	0	0	0	0
Referred to another entity	0	1	2	0
No identifiable patient/licensee	0	0	0	0
Improperly requested medical records	0	0	0	0
Misc./Custom	0	1	0	0
Unknown/Other	129	499	1,430	1,542
No active license	0	1	1	0
Duplicate allegations	1	2	3	0
Referred to another entity	65	194	585	659
No identifiable patient/licensee	37	156	463	538
Improperly requested medical records	0	5	4	8
Unlicensed Staff	0	0	0	0
Misc./Custom	26	141	374	337
1-800 Complaint Calls (All)	107	1655	4,631	6,975
Complaint Forms Sent (All)	124	1390	3,412	4,435

LITIGATION SECTION ACTIVITY REPORT				
December FY' 15				
LITIGATION SECTION	12/31/2014	FY 2015	FY 2014	FY 2013
Current Caseload	551	551	448	558
Physician	483	483	389	479
Physician Assistant	42	42	46	66
Acupuncturist	4	4	3	4
Surgical Assistant	2	2	1	0
Other	20	20	9	9
Cases Received	74	278	784	912
Physician	64	238	702	818
Physician Assistant	5	21	46	68
Acupuncturist	2	3	4	4
Surgical Assistant	0	1	2	0
Other	3	15	30	22
I.S.C./Show Compliance Proceedings	2	140	608	752
Physician	2	122	565	680
Physician Assistant	0	17	39	62
Acupuncturist	0	1	4	3
Surgical Assistant	0	0	0	0
Other	0	0	0	7
Temporary Suspension Hearings	3	8	18	40
Physician	2	6	15	32
Physician Assistant	1	2	2	6
Acupuncturist	0	0	0	0
Surgical Assistant	0	0	1	0
Other	0	0	0	2
Number of Cases pending at S.O.A.H.	84	84	95	112
Physician	74	74	81	95
Physician Assistant	10	10	14	16
Acupuncturist	0	0	0	1
Surgical Assistant	0	0	0	0
Other	0	0	0	0
Formal Complaints Filed at S.O.A.H.	3	11	77	111
Physician	3	11	67	97
Physician Assistant	0	0	10	9
Acupuncturist	0	0	0	1
Surgical Assistant	0	0	0	1
Other	0	0	0	3
Hearings with S.O.A.H.	3	14	38	34
Physician	3	12	31	26
Physician Assistant	0	2	6	8
Acupuncturist	0	0	1	0
Surgical Assistant	0	0	0	0
Other	0	0	0	0
S.O.A.H. Cases - Agreed Orders	3	6	19	20
Physician	0	3	19	19
Physician Assistant	3	3	0	1
Acupuncturist	0	0	0	0
Surgical Assistant	0	0	0	0
Other	0	0	0	0

December FY' 155

December FY' 156

December FY' 15

7

December FY' 15

8

December FY' 15

9

December FY' 1510

TEXAS PHYSICIAN ASSISTANT BOARD
DISCIPLINARY & ETHICS COMMITTEE
Investigations Review List
March 6, 2015

<u>FILE#</u>	<u>ALLEGATION</u>	<u>CLOSE</u>	<u>CONTINUE</u>	<u>ISC</u>	<u>HOLD</u>
14-5388	204.302(4)	X			
14-6255	204.303(A)(3)	X			
14-6547	204.303(A)(2)	X			
14-6800	204.304(A)(5)	X			
14-6912	204.304(A)(5)	X			
15-0132	204.304(A)(3)	X			
15-0183	204.304(A)(3)	X			
15-0303	204.304(A)(2)	X			
15-0422	204.304(A)(2)	X			
15-0491	204.304(A)(1)	X			
15-0511	204.304(A)(5)	X			
15-0544	204.304(A)(3)	X			
15-0735	204.304(A)(2)	X			

TEXAS PHYSICIAN ASSISTANT BOARD
DISCIPLINARY & ETHICS COMMITTEE
Legal Dismissal
March 6, 2015

<u>FILE#</u>	<u>ALLEGATION</u>	<u>CLOSE</u>	<u>CONTINUE</u>	<u>ISC</u>	<u>HOLD</u>
14-0535	151.002(a)(13)	X			
14-0940	204.302(4)	X			
14-0860	204.302(4)	X			
15-0039	204.304(A)(5)	X			
15-0053	204.304(A)(5)	X			
15-0179	204.304(A)(5)	X			

Texas Physician Assistant Board - March 6, 2015

DISCIPLINARY & ETHICS COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED

ISC PANEL RECOMMENDATIONS

CASE # CLOSE CONTINUE TO ISC

15-0179	X		
15-0039	X		
14-0860	X		
15-0053	X		
14-0940	X		

Total = 5

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE # CLOSE CONTINUE TO ISC

14-0535	X		
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Total = 1