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 attorneyclient 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.

VESTIGATIONS SECTION	12/31/2014	FY 2015	FY 2014	FY 2013
Current Investigations	555	555	614	58
Physician	507	507	562	54
Physician Assistant	22	22	26	2
Acupuncturist	3	3	2	
Surgical Assistant	2	2	4	
Unknown/Other	21	21	20	1
Investigations Opened	163	657	1,808	1,64
Physician	158	581	1,655	1,51
Physician Assistant	1	40	86	7
Acupuncturist	0	2	4	
Surgical Assistant	0	1	5	
Unknown/Other	4	33	58	
Investigations Completed	156	625	1,877	1,92
Physician	143	557	1,724	1,77
Physician Assistant	7	37	88	<u>c</u>
Acupuncturist	1	2	8	
Surgical Assistant	0	2	1	**
Unknown/Other	5	27	56	4
Jurisdictional Not Filed Complaints	242	1030	2,844	2,79
Physician	228	981	2,701	2,66
Physician Assistant	11	43	134	12
Acupuncturist	2	3	3	
Surgical Assistant	0	0	1	
Unknown/Other	1	3	5	-
Non-Jurisdictional Complaints	167	690	2,195	2,41
Physician	33	178	678	77
No active license	0	2	19	1
Duplicate allegations	2	22	60	5
Referred to another entity	0	5	26	7
No identifable patient/licensee	1	5	8	1
Improperly requested medical records	. 8	27	121	18
Unlicensed Staff	0	0	0	
Misc./Custom	22	117	444	43
Physician Assistant	4	9	75	7
No active license	0	0	0	
Duplicate allegations	1	1	3	
Referred to another entity	0	0	2	
No identifable patient/licensee	0	0	0	
Improperly requested medical records	0	0	1	
Misc./Custom	3	8	69	7
Acupuncturist	1	2	10	1
No active license	0	0	0	
Duplicate allegations	0	0	0	
Referred to another entity	0	0	0	
No identifable patient/licensee	0	0	0	
Improperly requested medical records	0	0	1	
Misc./Custom	1	2	9	1
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December FY' 15						
INVESTIGATIONS SECTION (CON'T)	12/31/2014	FY 2015	FY 2014	FY 201		
Surgical Assistant	0	2	2	11201		
No active license	0	0	2			
		0	0			
Duplicate allegations	0					
Referred to another entity	0	1	2			
No identifable patient/licensee	0	0	0			
Improperly requested medical records	0	0	0			
Misc./Custom	0	1	0			
Unknown/Other	129	499	1,430	1,5		
No active license	0	1	1			
Duplicate allegations	1	2	3			
Referred to another entity	65	194	585	6		
No identifable patient/licensee	37	156	463	5		
Improperly requested medical records	0	5	4			
Unlicensed Staff	0	0	0			
Misc./Custom	26	141	374	3		
1-800 Complaint Calls (All)	107	1655	4,631	6,9		
Complaint Forms Sent (All)	124	1390	3,412	4,4		
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Decembe	er FY' 15				
	12/31/2014	FY 2015	FY 2014	FY 2013	
			440	EE	
Current Caseload	551	551	448	55	
Physician	483	483	389	47	
Physician Assistant	42	42	46	6	
Acupuncturist	4	4	3		
Surgical Assistant	2	2	1		
Other	20	20	9		
Cases Received	74	278	784	91	
Physician	64	238	702	81	
Physician Assistant	5	21	46	6	
Acupuncturist	2	3	4		
Surgical Assistant	0	1	2		
Other	3	15	30	2	
I.S.C./Show Compliance Proceedings	2	140	608	75	
Physician	2	122	565	68	
Physician Assistant	0	17	39	6	
Acupuncturist	0	1	4		
Surgical Assistant	0	0	0		
Other	0	0	0		
Temporary Suspension Hearings	3	8	18	4	
Physician	2	6	15	3	
Physician Assistant	1	2	2		
Acupuncturist	0	0	0		
Surgical Assistant	0	0	1		
Other	0	0	0		
Number of Cases pending at S.O.A.H.	84	84	95	1	
Physician	74	74	81	9	
Physician Assistant	10	10	14		
Acupuncturist	0	0	0		
Surgical Assistant	0	0	0		
Other	0	0	0		
Formal Complaints Filed at S.O.A.H.	3	11	77	1'	
Physician	3	11	67	 	
Physician Assistant	0	0	10	`	
	0	0	0		
Acupuncturist	0		0		
Surgical Assistant		0	0		
Other	0	0	38		
Hearings with S.O.A.H.	3	14			
Physician Physician	3	12	31		
Physician Assistant	. 0	2	6		
Acupuncturist	0	0	1	·····	
Surgical Assistant	0	0	0		
Other	0	0	0		
S.O.A.H. Cases - Agreed Orders	3	6	19		
Physician	0	3	19		
Physician Assistant	3	3	0		
Acupuncturist	0	0	0		
Surgical Assistant	0	0	0		
Other	0	0	0		
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TIGATION SECTION	12/31/2014	FY 2015	FY 2014	FY 2013
			20	
S.O.A.H. Cases - Mediated Orders	1	9	30	2
Physician	0	8	30	2
Physician Assistant	1	1	0	
Acupuncturist	0	0	0	
Surgical Assistant	0	0	0	
Other	0	8	43	
Mediation Conferences (S.O.A.H.)	1		43	
Physician Bhysician Assistant	0	1		
Physician Assistant	0	0	1	
Acupuncturist	0	0	0	
Surgical Assistant	0	0	0	
Other	1	2	25	•
Contested Hearings (S.O.A.H.)	1	2	20	
Physician	0	0	5	
Physician Assistant	0	0	0	
Acupuncturist	0	0	0	
Surgical Assistant Other	0	0	0	
% of current caseload at S.O.A.H.	19.7%	19.7%	27.0%	25.
	20.2%	20.2%	27.0%	25.
Physician	20.2%	20.2%	32.6%	25.
Physician Assistant	0.0%	20.1%	0.0%	20. 25.
Acupuncturist Surgical Assistant	0.0%	0.0%	0.0%	23. 0.
Other	0.0%	0.0%	0.0%	0.
Probation Appearances	0.078	1	2	0.
Physician	0	1	2	
Physician Assistant	0	0	0	
Acupuncturist	0	0	0	
Surgical Assistant	0	0	0	
Termination Requests	0	10	47	
Physician	0	8	45	
Physician Assistant	0	2	2	
Acupuncturist	0	2	0	
Surgical Assistant	0	0	0	
Modification Requests	0	7	15	
Physician	0	5	15	
Physician Assistant	0	2	0	
Acupuncturist	0	- 0	0	
Surgical Assistant	0	0	0	
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COMPLIANCE SECTION	12/31/2014	FY 2015	FY 2014	FY 20
Current Probationers	725	725	826	
Physician	652	652	736	
Physician Assistant	58	58	59	
Acupuncturist	4	4	4	
Physician in Training	7	7	8	
Surgical Assistant	3	3	3	
Non-Certified Radiology Technician	1	1	16	
Drug Screens Conducted	311	1203	3,879	
Physician	298	1140	3,720	
Physician Assistant	12	62	139	
Acupuncturist	1	1	0	
Physician in Training	0	0	20	
Surgical Assistant	0	0	0	
Non-Certified Radiology Technician	0	0	0	
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December	DECISIONS			
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MEDICAL BOARD DECISIONS	12/31/2014	FY 2015	FY 2014	FY 2013
Disciplinary Actions				
Temporary Disciplinary Actions				
Suspensions	2	6	13	2'
Restrictions	0	1	2	1(
Final Disciplinary Actions				
Revocations/Surrenders	1	9	52	50
Suspensions	0	6	17	1.
Public Reprimands	0	6	37	42
Restrictions	0	22	164	144
Administrative Penalties	0	1	3	(
Cease and Desist	0	3	14	17
Licensed with Conditions	0	6	28	18
License Denied following S.O.A.H. Hearing	0	0	0	(
Total Disciplinary Decisions	3	60	330	313
Remedial Plans	0	30	247	254
Licensure Remedial Plans	5	23	38	42
Total Penalty Value	2,500	65,000	437,500	504,750
Total Actions	8	113	615	609
Compliance MR/TR Requests			•	
Modification Requests				
Granted	0	3	21	28
Denied	0	0	0	3
Termination Requests				
Granted	0	1	32	45
Denied	0	3	6	ç
Dismissals	0	62	295	328
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December F	Y' 15			-
P.A. BOARD DECISIONS Disciplinary Actions	12/31/2014	FY 2015	FY 2014	FY 2013
Temporary Disciplinary Actions				
Suspensions				
Restrictions	1	1	2	
Final Disciplinary Actions	0	0	0	
Revocations/Surrenders	1	1	8	
Suspensions	1	2	0 2	
Public Reprimands	2	2	6	
Restrictions	4	4	17	
Administrative Penalties	0	4	1	
Cease and Desist	0	0	3	
Licensed with Conditions	0	1	2	
License Denied following S.O.A.H. Hearing	0	0	0	
Total Disciplinary Decisions	9	11	41 [.]	2
	5			4
Remedial Plans	0	0	10	
Licensure Remedial Plans	0	0	4	
Total Penalty Value	21,500	21,500	33,500	15,00
Total Actions	9	11	55	3
Compliance MP/TP Pequests				
Compliance MR/TR Requests				
Modification Requests Granted				·
	3	3	0	
Denied	0	0	0	
Termination Requests				
Granted Denied	1	1	2	
Dismissals	1	1	2 18	
	0	0	10	
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ACUPUNCTURE BOARD DECISIONS	12/31/2014	FY 2015	FY 2014	FY 2013
Disciplinary Actions				
Temporary Disciplinary Actions				
Suspensions	0	0	0	(
Restrictions	0	0	0	(
Final Disciplinary Actions				
Revocations/Surrenders	0	0	0	•
Suspensions	0	0	0	(
Public Reprimands	0	1	0	
Restrictions	0	0	1	(
Administrative Penalties	0	0	0	(
Cease and Desist	0	0	0	(
Licensed with Conditions	0	0	0	(
License Denied following S.O.A.H. Hearing	0	0	0	(
Total Disciplinary Decisions	0	1	1	
Remedial Plans	0	0	1	
Licensure Remedial Plans	0	0	1	(
Total Penalty Value	0	0	1,000	500
Total Actions	0	1	3	
Compliance MR/TR Requests				
Modification Requests				
Granted	0	0	0	
Denied	0	0	0	(
Termination Requests	-		U	
Granted	0	0	0	
Denied	0	0	0	
Dismissals	0	1	0	2
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S.A. BOARD DECISIONS	12/31/2014	FY 2015	FY 2014	FY 2013
Disciplinary Actions				
Temporary Disciplinary Actions				_
Suspensions	0	0	1	(
Restrictions	0	0	0	(
Final Disciplinary Actions				
Revocations/Surrenders	0	0	0	(
Suspensions	0	0	0	(
Public Reprimands	0	0	0	(
Restrictions	0	0	1	(
Administrative Penalties	0	0	0	(
Cease and Desist	0	0	0	(
Licensed with Conditions	0	0	1	(
License Denied following S.O.A.H. Hearing	0	0	0	C
Total Disciplinary Decisions	0	0	3	(
Remedial Plans	0	0	0	
Licensure Remedial Plans	0	1	1	(
Total Penalty Value	0	500	5,500	(
Total Actions	0	1	4	(
Compliance MR/TR Requests				
Modification Requests				
Granted	0	0	0	C
Denied	0	0	0	
Termination Requests				
Granted	0	0	0	C
Denied	0	0	0	0
Dismissals	0	0	0	1
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TEXAS PHYSICIAN ASSISTANT BOARD DISCIPLINARY & ETHICS COMMITTEE Investigations Review List March 6, 2015

FILE#	ALLEGATION	<u>CLOSE</u>	ISC	HOLD
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

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

Texas Physician Assistant Board - March 6, 2015

DISCIPLINARY & EHICS COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED

ISC PANEL RECOMMENDATIONS

CASE #	CLOSE	CONTINUE	TO ISC
15-0179	Х		
15-0039	X		
14-0860	Х		
15-0053	X		
14-0940	Х		
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Total = 5

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE #CLOSECONTINUETO ISC14-0535X

Total = 1