

TEXAS MEDICAL BOARD
LICENSURE COMMITTEE MEETING MINUTES

February 3, 2011

The meeting was conducted by teleconference and called to order at 10:01 a.m. on February 3, 2011 by Chair, Michael Arambula, M.D. Committee members present were Jose M. Benavides, M.D., John D. Ellis, Jr., James "Scott" Holliday, D.O., Wynne M. Snoots, M.D., Timothy J. Turner, and Paulette B. Southard.

Agenda Item 2 - Discussion, recommendation and possible action regarding licensee requests:

Item 2a - Request of physician for **activation of canceled physician licenses** – There were none.

Item 2b - Request of physician to **return to Active Status** from Texas Retired Status – There were none.

Agenda Item 3

Item 3a - Applicants for pain management clinic certification – There were none.

Item 3b – Applicants appearing concerning eligibility

All applicant appearances scheduled for the February Licensure Committee were postponed by the Board to the April 7-8, 2011 Board meeting due to expected inclement weather prohibiting travel of both Board members and applicants.

1. Physician Licensure and Physician in Training Permit applicants – postponed to April 2011 Board meeting
2. Acudetox certification applicants – There were none.
3. Surgical assistant licensure applicants – postponed to April 2011 Board meeting

Item 3c – Applicants appearing for rehearing concerning eligibility– postponed to April 2011 Board meeting

Item 3d – Proposed orders offered by the Executive Director.

1. Physician Licensure– Ms. Kaufman reported on six orders offered by the Executive Director and accepted by applicants. **Ms. Southard moved to recommend to the full Board that all the orders be approved. Dr. Holliday seconded. All voted in favor and the motion passed.**
2. Physician in Training Applicants - Ms. Kaufman reported on one order offered by the Executive Director and accepted by the applicant. **Ms. Southard moved to recommend to the full Board that the order be approved. Dr. Snoots seconded. All voted in favor and the motion passed.**
3. Acudetox certification applicants - There were none.
4. Surgical assistant licensure applicants – There were none.

Item 3e – Applicants determined by staff to meet eligibility requirements.

1. Physician Licensure Applicants - There were 151 applicants who met all requirements to be considered for permanent licensure by the full Board. **Ms. Southard moved to recommend to the full Board that all 151 physician licensure applicants determined to meet eligibility requirements by staff be approved. Dr. Benavides seconded the motion. All voted in favor. The motion passed.**
2. Acudetox certification applicants – There were five applicants who met all requirements to be considered for acudetox certification by the full Board. **Dr. Benavides moved to recommend to the full Board that all 5 applicants determined to meet eligibility requirements by staff be approved. Dr. Holliday seconded the motion. All voted in favor. The motion passed.**
3. Surgical assistant licensure applicants - There were eight surgical assistant applicants to be considered for approval. **Ms. Southard moved to recommend to the full Board that all 8 surgical assistant applicants determined to meet eligibility requirements by staff be approved. Dr. Snoots seconded the motion. All voted in favor. The motion passed.**

Item 4a – Requests for Rehearing – There were none.

Item 4b – Request for Waiver of Acupuncture License Requirements – There were none.

Agenda Item 5 – Discussion, recommendation and possible action regarding unsigned orders from previous meetings - Ms. Garanflo presented a report on the three orders offered by the Licensure Committee at the October 2010 meeting. Two were resolved. One applicant withdrew.

Agenda Item 6 – Report on physician licensure statistics. Ms. Garanflo presented the FY 11 statistics. 1042 licenses have been issued in an average of 44 days. 946 were issued by staff.

Agenda Item 7 - Discussion, recommendation, and possible action regarding cancellation of licenses by request for incomplete registration – There were none.

Agenda Item 8a - Discussion, recommendation, and possible action regarding Nonprofit Health Organizations: Applicants for initial certification. There were none.

Agenda Item 8b - Discussion, recommendation, and possible action regarding Nonprofit Health Organizations: Requests for biennial recertification - There were 53 applications for biennial recertification as a Nonprofit Health Organization for approval. **Ms. Southard moved to recommend to the full board that the requests for biennial recertification as a Nonprofit Health Organization be approved. Dr. Benavides seconded the motion. All voted in favor. The motion passed.**

Agenda Item 8c - Discussion, recommendation, and possible action regarding Nonprofit Health Organizations: Cancellation of organizations certified as Nonprofit Health Organizations. There were twelve requests for cancellation of organizations certified as Nonprofit Health Organizations. **Ms. Southard moved to recommend to the full board that the requests cancellation be approved. Dr. Benavides seconded. All voted in favor and the motion passed.**

Agenda Item 9 - Discussion, recommendation, and possible action regarding proposed additions and modifications to board rules:

- a. 22 TAC 164 – Physician Advertising
 - 1. 164.2 – Definitions
 - 2. 164.4 – Board Certification
 - 3. 164.6 – Required Disclosures on Websites

Ms. Southard moved to recommend to the full board that the rules be published in the Texas Register for public comment. Dr. Snoots seconded and made a friendly amendment for clarification of the language regarding the boards the rule applies to. All voted in favor. The motion passed.

- c. 22 TAC 175 – Fees, Penalties and Forms

1. 175.1 – Application Fees
2. 175.2 – Registration and Renewal Fees

Mr. Turner moved to recommend to the full board that the rules be published in the Texas Register for public comment with the change to a \$200 fee. Dr. Holliday seconded. All voted in favor. The motion passed.

- b. 22 TAC 166.7 – Report of Impairment on Registration Form.

Mr. Turner moved to recommend to the full board that the rules be published in the Texas Register for public comment. Ms. Southard seconded. All voted in favor. The motion passed.

Agenda Item 10 - Discussion, recommendation, and possible action regarding non-profit health organizations' and license types allowed for directors of the organizations. The committee considered a request from Dr. Thomas Mayes, President/CEO, University Physicians Group, a certified non-profit health organization which is affiliated with the University of Texas Health Science Center San Antonio's School of Medicine. Dr. Mayes requests that a physician holding a Distinguished Professor Temporary License be allowed to serve on the board of directors of the non-profit health organization. **Dr. Snoots moved to recommend to the full board that the discussion be tabled to get more information from Dr. Mayes as to possibilities of changing their bylaws rather than having the Board change the interpretation regarding who is allowed to serve as a board of director for a nonprofit health organization. Ms. Southard seconded. All voted in favor. The motion passed.**

Agenda Item 11 - Discussion, recommendation, and possible action regarding disciplinary files related to recent licensure applicants. This item was postponed until the April Board meeting.

Agenda Item 12 - Discussion, recommendation, and possible action regarding request for approval of office-based anesthesia CME courses. This item was postponed until the April Board meeting.

Agenda Item 13 - Discussion, recommendation, and possible action regarding requests for conversion of licenses to administrative medicine licenses for physicians with physical impairments. There were none.

Agenda Item 14 - Discussion, recommendation, and possible action regarding withdrawal and appeal process for applicants for pain management clinic certification. Ms. Garanflo presented the policy on withdrawals, denials, and appeals for licensure applicants. The committee discussed what the process for applicants for pain management certification should be. **Dr. Snoots moved to recommend to the full board that staff be directed to draft rules to allow withdrawals except when requested after a determination of ineligibility by the executive director or after a referral by the executive director to the committee for a determination of eligibility.. A determination of ineligibility by the board would be public. Ms. Southard seconded. All voted in favor and the motion passed.**

Agenda Item 15 - Discussion, recommendation, and possible action regarding request to withdraw pain management clinic certification application. This item was postponed until the April Board meeting.

Agenda Item 16 - There being no further business, Dr. Arambula adjourned the meeting at 11:19 am.