



# Texas Physician Assistant Board

## BOARD MEETING

March 24, 2023

The meeting was called to order on Friday March 24, 2023, at 9:02 a.m. by Karrie L Crosby, PA-C, Presiding Officer. Other board members present were: Melinda Gottschalk, PA-C; Steven S. Ahmed, M.D.; Clayton "Clay" P. Bulls, PA-C; Lawrence G. Hughes, Ed.D; Sandra Longoria, PA-C; Cameron J. McElhany; Gregory S. Rowin, D.O.; and Andrew W. Sauer, PA-C. Jennifer L. Clarner, PA-C; Victor Shen-Pou Ho, M.D.; and Laura "Lali" Shipley were not present. Staff members present were Brint Carlton, J.D., Executive Director; Christopher Palazola, J.D., Director of Operations; Robert Bredt, M.D., Medical Director; and various other staff.

**Agenda item #1, Mission Statement.** Ms. Crosby read the board's mission statement into the minutes. *Our 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.*

**Agenda item #3, Executive Director's Report.**

**Budget Report.** Mr. Joey Estrada, CFO, gave a report on the agency's budget through the first half of the FY. No action was taken on this agenda item.

**New Location Update** Mr. Carlton gave an update on the agency's new location.

**Agenda item #4, Medical Director Report.** Nothing to report.

**Agenda item #5, Physician Assistant Liaison Report.** Nothing to report.

**Agenda item #6, Public Information Update.** Ms. Taurie Sloan, Government Affairs and Communication, provided a Public Information Update.

**Agenda item #7, Consideration and possible action regarding pending litigation.** Mr. Scott Freshour, General Counsel, provided an update on pending litigation.

**Agenda Item #8, Texas Physician Health Program (TXPHP):**

**A. Discussion, recommendation, and possible action regarding referrals**

After consideration, **Ms. Gottschalk moved, Mr. Sauer seconded, and the motion passed to accept the TXPHP recommendation and refer cases 16-0292-B PA and 22-1008 PA back to TXPHP.**

**B. Report on Emergent Referrals (none)**

**C. Other discussion items – Reports** Dr. Emily Doyle, TXPHP Medical Director, presented the Participation Report and Physician Assistant Referrals.

**Agenda item #2, Board Member Report.**

- a. **Resolution – Janith Mills, PA.** Ms. Crosby announced a Board Resolution and Texas plaque would be sent to Janeth Mills, PA-C in appreciation for her service on the board.

**Agenda item #9, Discussion, recommendation, and possible action regarding licensee requests.** There were none.

**Agenda item #10, Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.** There were none.

**Agenda item #11, Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director.** There were none.

**Agenda item #12, Report on physician assistant licenses issued by Board staff.** Ms. Grace Unterborn, Licensure Manager, reported that staff issued 409 licenses between July 15, 2022, and November 17, 2022.

**Agenda item #13, Report on physician assistant licensure process statistics.** Ms. Unterborn reported that in Quarter 2 of FY22, 306 physician assistant licenses were issued in an average processing time of 4 days. In Quarter 2 of FY23, 332 physician assistant licenses were issued in an average processing time of 6 days.

**Agenda item #14, Report on cancelled/not renewed data/retired licenses.** Ms. Rha Hines, Registrations Manager, presented a report with registration statistics for Quarter 1 and 2 for FY 2022 and 2023.

**Agenda item #15, Reports and discussion regarding the Investigation, Litigation and Compliance Departments.**

- A. **Enforcement Activity Report** Mr. Palazola gave the Enforcement Activity Report.
- B. **Warning Letters Report** Nothing to report.
- C. **Criminal Case Review Report** Mr. Palazola gave a report on Criminal Case Reviews.
- D. **Reports Regarding Cases Over One Year Old** Mr. Palazola gave a report on Cases Over One Year Old.
- E. **Report Temporary Suspensions/Automatic Orders/Automatic Actions.** Nothing to report.
- F. **Report Rehearing Request** Nothing to report.

**Agenda item #16, Consideration and approval of membership of the Expert Physician Panel.** There were none.

**Agenda item #17, Review, discussion and possible action regarding cases recommended for dismissal.**

- A. **Non-Standard of Care Cases**

After discussion, **Mr. McElhaney moved, Ms. Gottschalk seconded, and the motion passed to approve selected files and cases for dismissal of all non-standard of care cases as recommended.**

**B. Standard of Care Cases.**

After discussion, **Mr. Bulls moved, Dr. Rowin seconded, and the motion passed to approve selected files and cases for dismissal assigned to Mr. Bulls as recommended.**

After discussion, **Mr. Bulls moved, Ms. Gottschalk seconded, and the motion passed to approve selected files and cases for dismissal assigned to Ms. Mills as recommended.**

After discussion, **Ms. Gottschalk moved, Dr. Hughes seconded, and the motion passed to approve selected files and cases for dismissal assigned to Ms. Gottschalk as recommended.**

After discussion, **Dr. Rowin moved, Ms. Gottschalk seconded, and the motion passed to approve selected files and cases for dismissal assigned to Dr. Rowin as recommended.**

**Agenda item #18, Discussion, recommendation, and possible action regarding routine follow-up investigative files previously referred from Discipline and Ethics Committee for follow-up action. There are none.**

*Dr. Rowin moved, Ms. Crosby seconded, and the motion passed to move the open meeting into Executive Session at 10:04 a.m. for the purpose of 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 11:28 a.m.*

**Agenda item #19, Review, discussion, and possible action regarding appeals of dismissed complaints.**

**A. Jurisdictional**

After discussion, **Dr. Hughes moved and Mr. Sauer seconded to deny the appeal for 22-4564. The motion failed 2-7.**

**Ms. Crosby moved to grant the appeal for 22-4564. Ms. Gottschalk seconded. The motion passed with Dr. Hughes voting against and Mr. Sauer abstaining.**

After discussion, **Ms. Crosby moved, Mr. Sauer seconded, and the motion passed to deny the appeal for 22-0912.**

**B. JNF**

After discussion, **Dr. Rowin moved, Ms. Crosby seconded, and the motion passed to grant the appeal for 23-1120 to gather more information.**

After discussion, **Mr. McElhaney moved, Dr. Ahmed seconded, and the motion passed to deny the appeals for 23-1252 and 23-1336.**

**C. NJ There were none.**

**Agenda item #20, Consideration and approval of Non-Public Rehabilitation Orders and Modification Requests/Termination Request of Non-Public Rehabilitation Orders. There were none.**

Ms. Gottschalk logged off 11:43 am.

**Agenda item #21, Consideration and Approval of Modification/Termination Request Orders.**

After consideration, **Dr. Rowin moved, Mr. Sauer seconded, and motion passed to approve the Modification/Termination Request Orders for Charles Menger, PA; Pramila Bharwani, PA; and Christopher Quirante, PA.**

**Agenda item #22, Consideration and Approval of Agreed Board Orders.** There were none.

**Agenda item #23, Consideration and Approval of Remedial Plans.** After consideration, **Mr. Bulls moved, Dr. Hughes seconded, and the motion passed to approve the Remedial Plan for Michael Rojas, PA.**

There were no items for Agenda item #24-25.

**Agenda item #26, Consideration and Approval of Mediated Settlement Agreement Orders.** After consideration, **Dr. Hughes moved, Dr. Ahmed seconded, and the motion passed to approve the Mediated Settlement Agreement for Donald Harvey, PA.**

There were no items for Agenda items #27-30.

There was a break from 11:50 am to 12:10 pm.

Ms. Gottschalk returned 12:15, logged off during Executive Session.

*Ms. Crosby moved, Mr. Sauer seconded, and the motion passed to move the open meeting into Executive Session at 12:22 p.m. for the purpose of 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 1:01 p.m.*

**Agenda item #31, Consideration and possible action for Proposal of Decision.**

**A. Fernando Mendez, PA, SOAH #503-22-1040.PA**

Ms. Kemisha Williams, Staff Attorney, gave a brief summary of the case. Fernando Mendez, PA was present and gave a statement. After discussion, **Mr. Bulls moved, Mr. Sauer seconded, and the motion passed to accept the Proposal for Decision and Conclusion of Law except for the final conclusion of law and to instruct staff to draft an order revoking PA Mendez's license.** Ms. Longoria recused.

There were no items for Agenda item #32-33.

**Agenda item #34, Open Forum for Public Comments.** No one made public comments.

**Agenda item #35, Consideration and Approval of November 17, 2022, Board Meeting Minutes.** After consideration, **Dr. Rowin moved, Mr. Sauer seconded, and the motion passed to approve the November 17, 2022, Board Meeting Minutes.**

**Agenda item #36, Adjourn.** There being no further items, **Mr. Sauer moved, McElhaney seconded, and the motion passed to adjourn the meeting at 1:45 pm.**