



# Texas Physician Assistant Board

## BOARD MEETING

July 9, 2021

The meeting was called to order on Friday, July 9, 2021 at 9:06 a.m. by Karrie L Crosby, PA-C, Presiding Officer. Other board members present were: Melinda Gottschalk, PA-C, Secretary; Steven S. Ahmed, M.D.; Clayton "Clay" P. Bulls, PA-C; Jennifer L. Clarner, PA-C; Victor Shen-Pou Ho, M.D.; Lawrence G. Hughes, Ed.D; Sandra Longoria, PA-C; Cameron J. McElhany; Janeth K. Mills, PA-C.; Gregory S. Rowin, D.O.; Andrew W. Sauer, PA-C; and Laura "Lali" Shipley. Staff members present were Scott Freshour, J.D., General Counsel; 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 #2, Board Member Report.** The board introduced and welcomed new member Laura "Lali" Shipley. Ms. Shipley introduced herself to the board. Ms. Crosby made comments regarding AAPA's resolution to change the name of PA to Physician Associate.

Ms. Gottschalk made comments regarding her attendance of the FSMB meeting and the PA portability license for telemedicine.

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

**Budget Report.** Mr. Freshour gave a report on the agency's budget. The projected revenue collected and expenditure are on target to date. There was a 5% budget cut that has not yet been restored. No action was taken on this agenda item.

**Internal Audit Report.** Ms. Sloan gave a report on the agency's internal audit. The next audit will focus on TXPHP. No action was taken on this agenda item.

**COVID-19.** Mr. Freshour gave a report on the agency's COVID-19 response. As of September 1, Mr. Carlton has made some changes regarding telework. ISCs will continue to be virtual. Also beginning September 1, the board president for each board will be present in person for the board meeting. No action was taken on this agenda item

**Agenda item #4, Medical Director Report.** Dr. Bredt reported that there is no need for experts for Physician Assistants.

**Agenda item #5, Physician Assistant Liaison Report.** Mr. Sauer reported on his attendance of the June 11<sup>th</sup> Medical Board meeting.

**Agenda item #6, Public Information Update.** Ms. Sloan provided a legislative update. No action was taken on this agenda item.

**Agenda item #7, Consideration and possible action regarding pending litigation.** Mr. Freshour gave an update on pending litigation. No action was taken on this agenda item.

**Agenda item #8, Texas Physician Health Program (TXPHP).**

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

**B. Report on Emergent Referrals.**

**C. Other discussion items – Participant Report.** Ms. Swanholm presented the TXPHP Participant Report.

**Agenda item #9, Discussion, recommendation and possible action regarding licensee requests.** Nothing to report.

**Agenda item #10, Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.**

**Ms. Clarner moved and Dr. Ahmed seconded that the Board close the meeting to the public and continue in Executive Session for deliberations concerning Agenda Item 10. The motion passed. Ms. Crosby announced that the meeting would be closed for deliberations at 10:11 a.m. concerning licensure applications and the character and fitness of applicants under the authority of Occupations Code Section 204.0585, and that while in executive session, the Board would not take any action, make any decision, or vote with regard to any matter that may be considered or discussed. A certified agenda of any executive session will be made.**

**The Executive Session ended at 12:05 p.m. The Board conducted hearings to review licensure applicants appearing concerning eligibility. The hearings were conducted in Executive Session. Following the hearings, the Committee reconvened and considered the requests and applications.**

**Applicant #2385** appeared before the Board as directed by the Licensure Committee during their previous appearance in March 2020. The committee voted to defer the applicant's request for licensure until the applicant submitted to an Independent Medical Evaluation by a physician board certified in neurology or psychiatry that is approved by the Executive Director in order to determine fitness to practice. Upon receipt of the evaluation, the applicant be required to reappear before the Board for further consideration. The applicant presented a brief summary and the Board members reviewed the evaluation and asked questions. Following discussion, **Ms. Mills moved that the applicant be granted a physician assistant license subject to an Agreed Order with the following terms, conditions, and restrictions:**

- **Applicant's practice is restricted to a group or institutional setting approved in advance by the Executive Director.**

- The designated supervising physician at the group or institution shall be approved in advance by the Executive Director of the board.
- The designated supervising physician will directly observe the applicant and supervise 150 patient encounters.
- After the applicant completes 150 patient encounters, the designated physician at the group or institution shall submit quarterly reports regarding the applicant's performance.
- The applicant be referred to the Texas Physician Health Program for evaluation and must comply with all requirements and recommendations by the program.
- The applicant shall provide a copy of the Agreed Order to the group or institutional setting administrator.
- The applicant shall complete at least 4 hours of Continuing Medical Education in Ethics within one year of the signed Agreed Order.
- The applicant shall not request modification of the order for one year.
- The applicant shall not unilaterally withdraw from the order and must provide 30 days notice to request withdrawal from the order.
- The license is effective on the date the applicant is licensed by staff following the return of the signed Agreed Order.

Factors contributing to this recommendation include the applicant's impairment history and time out of active practice.

Dr Ahmed entered a friendly amendment that the applicant also be required to complete Category I Continuing Medical Education in the field related to his practice. Dr. Ahmed withdrew his amendment after being informed that the applicant would have to complete at least 50 Category 1 Continuing Medical Education hours for NCCPA recertification requirements in December 2021.

The board voted on the initial motion. All voted in favor and the motion passed.

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

**Agenda item #12, Report on physician assistant licenses issued by Board staff.** Ms. Unterborn reported that staff had issued 448 licenses between March 26, 2021 and July 9, 2021.

**Agenda item #13, Report on physician assistant licensure process statistics.** Ms. Unterborn reported that 190 physician assistant licenses were issued in the third quarter of Fiscal Year 2020 in an average of 16 days. In comparison, in the third quarter of Fiscal Year 2021, 281 physician assistant licenses were issued in an average of 9 days.

Break 12:21 PM to 12:30 PM

**Agenda item #14, Reports and discussion regarding the Investigation, Litigation and Compliance Departments.** Mr. Palazola provided reports regarding the Investigation, Litigation, and Compliance Departments.

There were no items for Agenda items# 15.

**Agenda item #16, Review, discussion and possible action regarding appeals of dismissed complaints.** After discussion, Mr. Sauer moved, Dr. Rowan seconded and the motion passed to deny the appeals.

After further discussion, Ms. Gottschalk moved, Ms. Mills seconded and the motion passed to grant the appeal for 21-3920 for the purpose of getting the PA's response.

There were no items for Agenda items# 17.

**Agenda item #18, Review, discussion, and possible action regarding selected files and cases.** After discussion, Ms. Mills moved, Dr. Ahmad seconded and the motion passed to approve the selected files as submitted.

There were no items for Agenda item# 19.

**Agenda item #20, Consideration and approval of Modification/Termination Request Orders.** After consideration, Mr. Sauer moved, Mr. Hughes seconded, and the motion passed to enter modification or termination of the Order for Mercedes D. Serrano, PA.

**Agenda item #21, Consideration and Approval of Agreed Board Orders.** After consideration, Mr. Bulls moved, Mr. Sauer seconded, and the motion passed to approve the Agreed Board Orders for Charles M. Menger, PA (Ms. Mills recused); James S. Hoerig, PA; Brian M. Powell, PA; and Jimmy Rosales, Jr., PA.

There were no items for Agenda item #22-25.

**Agenda item #26, Consideration and Approval of Remedial Plans.** After consideration, Mr. Hughes moved, Ms. Mills seconded, and the motion passed to approve the Remedial Plans for Courtney S. Aldridge, PA; LaDonna L. Thompson, PA; and Michelle Van Fossen, PA.

There were no items for Agenda items #27

**Agenda Item #28, Report on Temporary Suspensions/Automatic Orders/Automatic Actions.** A report on Temporary Suspensions/Automatic Orders/Automatic Actions was provided.

There were no items for Agenda Items #29-#34.

**Agenda item #35, Open Forum for Public Comments.** One individual made public comments.

**Agenda item #36, Consideration and Approval of March 26, 2021 Board Meeting Minutes.** After consideration, Mr. McElhaney moved, Dr. Rowin seconded, and the motion

**passed to approve the March 26, 2021 Board Meeting minutes with the correction made by Ms. Gottschalk to correct Mr. Sauer's name.**

**Ms. Crosby directed staff to add an agenda item to address the secretary position at the next board meeting.**

**Agenda item #38, Adjourn.** There being no further items, **Ms. Gottschalk moved, Ms. Mills seconded, and the motion passed to adjourn the meeting at 1:21 p.m.**