

TEXAS MEDICAL BOARD
BOARD MEETING MINUTES
August 29, 2008

The meeting was called to order August 29, 2008 at 8:02 a.m. by Board Vice-President, Larry Price, D.O. Board members present were Michael Arambula, M.D.; Julie Attebury; Jose M. Benavides, M.D.; Patricia S. Blackwell; Manuel Guajardo, M.D.; Amanullah Khan, M.D.; Melinda McMichael, M.D.; Margaret McNeese, M.D.; Charles Oswalt, M.D.; Larry Price, D.O.; Annette Raggette; Allan Shulkin, M.D.; Paulette Southard; Timothy J. Turner; Timothy Webb, J.D.; and Irvin E. Zeitler, Jr., D.O. Board staff present were Donald W. Patrick, M.D., J.D., Executive Director; Robert Simpson, J.D., General Counsel; Jane McFarland, Chief of Staff; Mari Robinson, Director of Enforcement; Jaime Garanflo, Director of Customer Affairs; and various other staff.

Dr. Patrick read the Texas Medical Board Mission into the minutes.

Our Boards mission is to protect and enhance the publics 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. Dr. Price congratulated Dr. Patrick on his retirement and expressed the boards appreciation for Dr. Patricks dedicated service and commitment to the board. Dr. Patrick thanked the board and staff and welcomed Mari Robinson to her new position as Interim Executive Director.

Agenda item #3, Executive Directors report. Ms. Robinson gave a report on past Town Hall meetings held to provide the opportunity for comments and feedback from physicians. Ms. Robinson reported that future Town Hall meetings would focus on teaching opportunities to help prevent administrative violations.

Ms. Robinson gave a report on the Ad Hoc for Disciplinary Processes Committees suggestions to best use available resources and procedures to streamline the disciplinary process. After discussion, the board directed staff to:

- a. Provide a cost estimate and a proposed rule change to provided video and/or teleconferencing at Informal Settlement Conferences;
- b. Draft a proposed policy/rule change to process modification and termination requests in writing;
- c. Draft a rule change for continuance requests for Informal Settlement Conferences (ISC);
- d. Draft a notification letter to District Review Committee members regarding the required range of attendance at ISCs and the additional number of cases that will be scheduled on ISC dates;
- e. Revise the initial letter to respondents that to be more specific; and
- f. Draft guidelines for standardized timeframes on rehabilitation orders.

Ms. Robinson gave a report on stakeholder organizations interested in increasing communication to provide feedback to the board. The board directed staff to insure all stakeholders are recognized and provided a balanced opportunity for input to the board.

Agenda item #4, Presentation by the Chronic Kidney Disease Task Force. Jayaram Naidu, M.D. with the Chronic Kidney Disease Task Force gave a presentation on plans and recommendations to educate health care professionals about advantages and methods of early screening, diagnosis and treatment of chronic kidney disease and complications related to it. After discussion, the board directed staff to post information on the agency website.

Agenda item #5, Report Legislative Appropriations Request. Ms. McFarland gave a report of the Legislative Appropriations Request and a summary of requested exceptional items.

Agenda item #6, Discussion, recommendation, and possible action regarding supervision of physician assistants by physicians with restrictions on their licenses. Jennifer Kaufman gave a review of the Physician Assistant Boards recommendations regarding the rules for supervision of physician assistants by physicians with restrictions on their licenses. After discussion, the board directed staff to draft a proposed rule change to Chapter 185.2, Physician Assistant Definitions, amending the definition of supervising physicians and define unrestricted medical license.

Agenda item #7, Discussion, recommendation, and possible action regarding physician profile content information. After discussion, the board directed staff to draft a proposed rule change to Chapter 173.1, Profile Contents, adding birth year, full name as the physician requests it to published, and mailing address to required profile content.

Agenda item #8, Discussion and possible action regarding current litigation. Mr. Simpson gave a report on pending litigation.

Agenda item #22, Consideration and Approval of Proposal for Decision Kimberly Finder, M.D. Sarah Ramos, Administrative Law Judge, gave a report and recommendation. Dr. Finder appeared with her attorney, Jennifer Riggs. Mark Martyn, staff attorney, appeared representing the Board. Ms. Riggs gave a presentation. Mr. Martyn gave a presentation. Ms. Riggs presented a written statement on behalf of Dr. Finder. After discussion, **Mr. Turner moved, Ms. Southard seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law with the proposed \$5,000 penalty recommended by the Administrative Law Judge in the Proposal for Decision, with the exception of Conclusion of Law No. 12 is not adopted as a Conclusion of Law, because it is a recommendation regarding the appropriate sanction, the determination of which is reserved to the board.**

Agenda item #9, Consideration and Approval of Non-Public Rehabilitation Orders and Modification Request/Termination Request of Non-Public Rehabilitation Orders. Dr. Arambula moved, Ms. Southard seconded, and the motion passed to approve the following: **Non-Public Rehab Order #517; Non-Public Rehab Order #518; Non-Public Rehab Order #519; Non-Public Rehab Order #520; Non-Public Rehab Order #521; TR Granted of Rehab Order #188; Non-Public Rehab Order #522; Non-Public Rehab Order #523; No-Public Rehab Order #524; Non-Public Rehab #525; Non-Public Rehab Order #526; Non-Public Rehab Order #527; Non-Public Rehab Order #528; Non-Public Rehab Order #529; and Non-Public Rehab Order #530; and Termination Granted of Rehab Order #289.**

Agenda item #10, Consideration and Approval of Agreed Board Orders. Mr. Turner moved, Ms. Southard seconded, and the motion passed to approve the Agreed Orders en masse for the following: **Virendra Agarwal, M.D.; Ramiro P. Alonso, M.D.; Ruth M. Atlas, M.D.; Robert T. Bishop, M.D.; Julia Bohorquez, M.D.; Epifanio Dimazana, M.D.; Joseph Garcia, M.D.; Demetris A.**

Green, M.D.; David Hirsch, D.O.; Matthew J. Hogan, M.D.; Roland Iboni, M.D.; Jorge A. Martinez, M.D.; Pat M. McMeans, M.D.; Michael Mikulecky, M.D.; Charles T. Moore, M.D.; Daniel T. Myint, M.D.; Hildebrando Salinas, M.D.; Valerie Sheehan, M.D.; Veena Surapaneni, M.D.; Brent Wallace, M.D.; Michael D. Williams, M.D.; Mitchell Wong, M.D.; Jeffrey J. Brown, M.D.; Dennis David Cantu, M.D.; Jhansi Raj, M.D.; Aimee K. Rox, M.D.; Mark J. Schnee, M.D.; David Spinks, D.O.; Javier Valdez, M.D.; Bill Weldon, D.O.; Stephen C. White, M.D.; Virginia M. Mills, M.D.; Gregory Skie, M.D.; and Allan Shippel, M.D.

After discussion, **Dr. McMichael moved, Dr. Zeitler seconded, and the motion passed to approve the Agreed Order for Virendra Agarwal, M.D., with the modification to add ten (10) continuing medical education hours in the treatment of orthopedic injuries for primary care doctors.**

After discussion, **Mr. Turner moved, Ms. Raggette seconded, and the motion passed to approve the Agreed Order for Brent J. Coleman, D.O., as written.**

After discussion, **Mr. Turner moved, Ms. Raggette seconded, and the motion passed to approve the Agreed Order for Douglas Kelley, M.D., with the modification that half of the continuing medical education hours will be in pre-op and post-op management of pediatric care.**

After discussion, **Mr. Turner moved, Ms. Raggette seconded, and the motion passed to approve the Agreed Order for Bernard Kornell, M.D., with the modification that a chaperone must be present during an examination of a female patient.**

Agenda item #11, Consideration and Approval of Administrative Orders. Mr. Turner moved, Dr. Arambula seconded, and the motion passed to approve the Administrative Orders for Curtis L Hill, M.D. and Timothy D. Runge, M.D.

Agenda item #12, Consideration and Approval of Modification Reuest/Termination Request Orders. Mr. Turner moved, Ms. Raggette seconded, and the motion passed to approve the modification request James Demberg, M.D.; Cynthia Ketterer, M.D.; Richard Patt, M.D.; Terry L.

Beck, M.D.; Ralph S. Sharman, M.D.; David A. Slater, M.D.; and Erik Sloman-Moll, M.D. The termination request for Carl S. Heller, M.D., was pulled.

There were no items for Agenda item #13.

Agenda item #14, Consideration and Approval of Mediated Settlement Agreed Orders. Mr. Turner moved, Dr. Oswalt seconded, and the motion passed to approve the Medicated Settlement Agreed Orders for Royal Benson, M.D.; Jody Caldwell, M.D.; Maurice Conte, M.D.; Guy R. Fogel, M.D.; Lawrence B. McNally, M.D.; Ruben D. Pechero, M.D.; and John R. Woodward, M.D.

Agenda item #15, Consideration and Approval of Termination of Suspension Orders. After discussion, **Mr. Turner moved, Dr. Oswalt seconded, and the motion passed to deny the Termination of Suspension Order for Ernesto Rhodes, M.D.**

There were no items for Agenda item #16.

Agenda item #17, Report on Temporary Suspension. Ms. Leshikar gave a report on the temporary suspensions for Dora Crandall, M.D., and Charles R. Massey, Jr., M.D.

Agenda item #18, Report on Automatic Orders. Ms. Leshikar gave a report on the Automatic Order for Mary M. LeBlanc, M.D.

There were no items for Agenda item #19.

Agenda item #20, Consideration of dismissal recommendations from Informal Settlement Conference panels. After discussion, the board directed to staff to refer dismissal cases to the Disciplinary Process Review Committee for review.

There were no items for Agenda item #21.

Agenda item #23, Presentation of the webbased LIST system for applicants. Dr. Price introduced and thanked Charles Bailey with the Texas Hospital Association for the associations assistance

in developing the online system. Ms. Garanflo gave a presentation of the webbased LIST system that was developed to communicate with licensure applicants online.

Agenda item #24, Presentation Shirley Pigott, M.D. Dr. Pigott was not present to make comments.

Discussion/Action Items

- 1. Consent Agenda. Mr. Turner moved, Ms. Southard seconded, and the motion passed to approve the Consent Agenda with the June 27, 2008 Board Meeting Minutes; July 11, 2008 Executive Committee meeting minutes; July 12, 2008 Executive Committee meeting minutes; July 15, 2008 Executive Committee meeting minutes; July 29, 2008 Executive Committee meeting minutes; July 31, 2008 Ad Hoc Committee for Disciplinary Process minutes; July 30, 2008 Disciplinary Panel minutes regarding Dora Crandall, M.D., Temporary Suspension With Notice; and August 15, 2008 Disciplinary Panel minutes regarding Charles Massey, Jr., M.D., Temporary Suspension With Notice.**
- 2. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.**

Dr. Arambula gave a report of the Licensure Committee meeting. **Dr. Arambula moved, Dr. Benavides seconded, and the motion passed to approve the Licensure Committee minutes and action items.**

Mr. Turner gave a report of the Telemedicine Committee meeting. **Mr. Turner moved, Mr. Webb seconded, and the motion passed to approve the Telemedicine Committee minutes and action items.**

Ms. Raggette gave a report of the Standing Orders Committee meeting. **Ms. Raggette moved, Dr. McNeese seconded, and the motion passed to approve the Standing Orders Committee minutes and action items.**

Dr. Price gave a report of the Disciplinary Process Review Committee meeting. **Dr. Price moved, Dr. Oswald seconded, and the motion passed to approve the Disciplinary Process Review Committee minutes and action items.**

Dr. Price gave a report of the Executive Committee meeting. **Dr. Price moved, Mr. Turner seconded, and the motion passed to approve the Executive Committee minutes and action items.**

Ms. Attebury gave a report of the Finance Committee meeting. **Ms. Attebury moved, Mr. Turner seconded, and the motion passed to approve the Finance Committee minutes and action items.**

There being no further agenda items the meeting adjourned at 12:55 p.m.