



**TEXAS PHYSICIAN ASSISTANT BOARD
BOARD MEETING
December 5, 2014**

The meeting was called to order at 11:10 a.m. by Felix Koo, M.D., Secretary. Board members present were: Anna Chapman; Jason P. Cooper, PA-C; Linda C. Delaney, PA-C; Teralea Jones, PA-C; Michael D. Reis, M.D.; and R. Blayne Rush. Margaret Bentley and Reginald C. Baptiste, M.D., were absent. Staff members present were Mari Robinson, J.D., Executive Director; Robert Breidt, M.D., Medical Director; Scott Freshour, J.D., General Counsel; Tonie Knight, Licensure Manager; Megan Goode, Governmental Affairs and Communications Manager; Sarah Tuthill, J.D., Assistant General Counsel; and Wendy Pajak, J.D. Assistant General Counsel.

There were no items for Agenda item #2.

Agenda items #3-6 were deferred to later in the meeting.

Agenda item #7, Consideration and possible action for Proposal for Decision.

Susan D. Thivierge, P.A., SOAH #503-12-6066PA. Chris Palazola, J.D., Litigation Manager was present. Susan D. Thivierge, P.A. was present with Lori York, J.D. Mr. Palazola gave a presentation. Ms. York gave a presentation. Ms. Thivierge presented oral comments. Mr. Palazola gave a brief rebuttal presentation. After discussion, **Ms. Delaney moved and Dr. Reis seconded a motion to adopt the Findings of Fact and Conclusions of Law recommended by the Administrative Law Judge in the Proposal for Decision, and approve the suggested Final Order filed by Board staff for licensure restriction to include no treatment of chronic pain; surrender DEA and DPS certificates; completion JP Exam; completion of medical recordkeeping course offered by PACE; completion of the Physician Prescribing Course offered by PACE; and pay an administrative penalty of \$2,000.**

Mr. Rush made a friendly amendment, Dr. Reis seconded, and the motion passed to approve the friendly amendment to the original motion that the order is not eligible for modification for a minimum of two years.

Ms. Robinson restated the original motion. **A vote was taken. The motion passed to adopt the Findings of Fact and Conclusions of Law recommended by the Administrative Law Judge in the Proposal for Decision, and approve the Final Order filed by Board staff for licensure restriction to include no treatment of chronic pain; surrender of DEA and DPS certificates; completion of JP Exam; completion of PACE courses as outlined in staff proposed Final Order, \$2,000 administrative penalty; and the amendment that the order is not eligible for modification for a minimum of two years.**

John Boyle, P.A., SOAH #503-13-4612PA. Margie Johnson, J.D., staff attorney was present. John Boyle, P.A., was not present. No one appeared representing Mr. Boyle. Ms. Johnson gave a presentation. After discussion, **Dr. Reis moved, Ms. Delaney seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law recommended by**

the Administrative Law Judge in the Proposal for Decision, and approve the suggested Final Order filed by Board staff for revocation.

Agenda items 8-19 were deferred to later in the meeting.

Agenda item #20 at 11:00 a.m., Discussion, recommendation, and possible action, including adoption of proposed amendments to 22 T.A.C. Chapter 185, Physician Assistants:

§185.18 Discipline of Physician Assistants. Ms. Tuthill gave a brief summary. No written comments were received. No one signed in to present oral comments. After discussion, **Mr. Rush moved, Mr. Cooper seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 185, Physician Assistants, §185.18 Discipline of Physician Assistants, as published, and to refer to the Texas Medical Board for adoption.**

§185.16. Employment Guidelines. Ms. Tuthill gave a brief summary. Written comments were received and reviewed. No one signed in to present oral comments. After discussion, **Mr. Cooper moved, Ms. Delaney seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 185, Physician Assistants, §185.16. Employment Guidelines, as published, and to refer to the Texas Medical Board for adoption.**

The board recessed at 11:59 a.m.

The board reconvened at 12:12 p.m.

Agenda item #3, Executive Director's Report.

Legislative Update. Ms. Robinson reported on upcoming dates of interest legislation related to physician assistants.

Audit Update. Ms. Robinson gave an update on the Internal Audit. Ms. Goode also, reported for FY15 new auditors would be working with the agency.

Budget Update. Ms. Robinson presented the budget which is predicted to cover projected expenses.

Enforcement Report. Ms. Robinson presented the Enforcement Report.

Coaching. Ms. Robinson presented coaching information that is used as an option by the Texas Medical Board to refer physicians for coaching. After discussion, the board directed staff to have the physician coaching option available similar to the Medical Board.

Medical Board Liaison. Ms. Robinson discussed the Medical Board's decision to discontinue having a Physician Assistant/Medical Board Liaison based on the improvement of communication between both Boards. After discussion, the board

directed staff to provide Medical Board meeting dates to PA board members for possible attendance on a rotation basis.

QA. Ms. Robinson gave an update on the Quality Assurance Panel conference call that was instituted on an as needed basis to review investigative files for possible recommendations for dismissal or remedial plans.

Outreach Update and communications. Ms. Robinson presented the current Outreach schedule and reported an Outreach presentation was presented at each physician assistant school in Texas.

Agenda item #4, Medical Director Report. Dr. Bredt reported on the Expert Panelist training scheduled in Houston, Dallas, and Austin.

Agenda item #5, Discussion, recommendation, and possible action regarding continuing medical education for board member training. Ms. Pajak summarized the criteria for receiving continuing education for board training. After discussion, the board directed staff to send a letter to request if board meetings could be considered educational.

Agenda item #6, Consideration and possible action regarding pending litigation. Mr. Freshour gave a brief update of pending litigation.

Agenda item #7 was heard earlier in the meeting.

There were no items for Agenda items #8-9.

Agenda item #10, Consideration and Approval of Modification Request/ Termination Request Orders. After discussion, Mr. Rush moved to defer the modification requests #4 & #5 to the March 2015 board meeting. The motion failed.

After discussion, Dr. Reis moved, Ms. Delaney seconded, and the motion passed **to go into Executive Session at 1:08 p.m. for 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.** The executive session ended at 1:24 p.m. There was no final action, decision, or vote with regard to any matter considered or discussed in executive session. A certified agenda of the executive session was made.

After discussion, Mr. Cooper moved, Mr. Rush seconded, and the motion passed **to table the modification requests for #4 & #5, to allow staff to provide further information related to both requests. Ms. Delaney voted against the motion.**

The remaining items for Agenda Item #10, were deferred to later in the meeting.

Agenda item #11, Consideration and Approval of Agreed Board Orders. After discussion, Ms. Jones moved, Ms. Delaney seconded, and the motion passed **to approve the Agreed Orders for William L. Cooper, P.A.; Francisco R. Morales, P.A.; Nancy Shakin, P.A.; and Michael J. Anderson, P.A., as presented.**

There were no items for Agenda items #12-13.

Agenda item #14, Consideration and Approval of Mediated Settlement Agreement Orders. After discussion, **Ms. Chapman moved, Dr. Reis seconded, and the motion passed to approve the Mediated Settlement Agreement Orders for Rose G. Omamogho, P.A.; Alice Vela-Hill, P.A.; Louis Warfield, P.A.; and Larry E. Hooper, P.A., as presented.**

There were no items for Agenda item #15.

Agenda item #16, Consideration and Approval of Remedial Plans. After discussion, **Mr. Rush, moved, Ms. Chapman seconded, and the motion passed to approve the Remedial Plan for Kevin Baker, P.A.; Esteban D. Cortez, P.A.; Thomas W. Distel, P.A.; Robin Dees Farley, P.A.; Michael D. Kinoti, P.A.; and Katherine B. Loverin, P.A., as written.**

There were no items for Agenda item #17.

Agenda item #18, Report on Temporary Suspension/Automatic Orders/ Automatic Action. A report was presented on the Temporary Suspensions hearings of Nancy Shakin, P.A.; and Jennifer L. Behm, P.A.

There were no items for Agenda item #19.

Agenda item #20 was heard earlier in the meeting.

There were no items for Agenda item #21.

Agenda item #22, Open Forum for Public Comments. No one signed in to present public comments during the Open Forum.

Agenda item #23 Consideration and Approval of the August 1, 2014 Board Meeting Minutes. After discussion, **Ms. Chapman moved, Ms. Delaney seconded, and the motion passed to approve the August 1, 2014 Physician Assistant Board Meeting Minutes.**

Agenda item #24 Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Ms. Jones gave a report of the Licensure Committee. **Ms. Jones moved, Mr. Rush seconded, and the motion passed to approve the Licensure Committee minutes and action items.**

Ms. Chapman gave a report of the Discipline and Ethics Committee. **Ms. Chapman moved, Mr. Cooper seconded, and the motion passed to approve the Discipline and Ethics Committee minutes and action items.**

The board recessed at 1:39 p.m.

The board reconvened at 1:46 p.m.

Agenda Item #10, Consideration and Approval of Modification Request/Termination Request Orders. (Continued) After consideration, **Ms. Jones moved, Dr. Reis seconded, and the motion passed to approve the Modification Request for #1 with the modifications to ordering paragraph #1 to strike “However” add “only” after “Respondent may” and add the provision that the respondent may not treat patients for weight loss with any controlled substances. The paragraph should read: “Respondent is prohibited from treating patient for chronic pain as defined by Board Rule 172.4. Respondent may only prescribe dangerous drugs/controlled substances for the treatment of acute pain to a patient on a one-time basis, for no more than 72 hours, with no refills for any patient. Respondent may not treat patients for weight loss with any controlled substances.”**

After consideration, **Mr. Rush moved, Dr. Reis seconded, and the motion passed to approve the Termination Denied for Ethan Levy, P.A.; and the Termination Request Granted for Ron Van Wattering, P.A.**

Agenda item #25, Board member training. Training was presented regarding by Ms. Robinson on Disciplinary Options and Disciplinary Process. Ms. Pajak and Ms. Tuthill presented training on Pain Clinics.

Agenda item #26, Adjourn. There being no further agenda items, **Mr. Rush moved, Ms. Jones seconded, and the motion passed to adjourn the meeting at 3:08 p.m.**