



Texas Physician Assistant Board

BOARD MEETING

November 17, 2022

The meeting was called to order on Thursday, November 17, 2022, at 9:06 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; Jennifer L. Clarnier, PA-C; Lawrence G. Hughes, Ed.D; Cameron J. McElhany; Gregory S. Rowin, D.O.; Andrew W. Sauer, PA-C; and Laura "Lali" Shipley. Victor Shen-Pou Ho, M.D.; Sandra Longoria, PA-C; and Janeth K. Mills, PA-C 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 #2, Board Member Report. Nothing to report.

Agenda item #3, Executive Director's Report.

Budget Report. Mr. Joey Estrada, CFO, gave a report on the agency's FY 2023 budget. No action was taken on this agenda item.

Internal Audit Update. Mr. Carlton gave an update on the open items of the Internal Audit.

Rule 195 Update. Mr. Carlton gave an update on Rule 195, regarding pain management clinics. The rule went into effect on November 9, 2022.

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

Agenda item #4, Medical Director Report. Dr. Bredt reported that there are plenty of Physician Assistant panelists but recommendations for Physicians regardless of specialty are welcome.

Agenda item #5, Physician Assistant Liaison Report. Ms. Mills attended the Texas Medical Board meeting on October 14, 2022. There was nothing to report. No action was taken on this agenda item.

Agenda item #6, Public Information Update. Ms. Taurie Sloan, Government Affairs and Communication, provided a Public Information Update. The website and all forms are being updated with the address to the agency's new building. A December bulletin will be posted before the end of the year.

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, **Dr. Hughes moved, Ms. Gottschalk seconded, and the motion passed to accept the TXPHP recommendation and refer cases 14-0281 PA, 16-0292-B PA, 17-0327-A PA, and 21-1208 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 #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.

Applicant #2537 appeared before the Committee, with counsel, Tim Weitz, to appeal the Executive Director's recommendation that they practice for 12 months under a Supervised Temporary permit because the applicant has not practiced since January 2018. The applicant presented a brief summary and the Board members asked questions.

Ms. Clarner moved and Mr. Sauer 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 10:09 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 10:45 a.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.

Mr. Sauer moved that the applicant's appeal of the Executive Director's determination be granted, and the applicant's request to reactivate their license be granted. This recommendation is based on the applicant's obtaining a Florida license and practicing telemedicine since September 2022, completion of 189 AAPA Category 1 Self-Assessment CME credits, and passage of the AAPA PANCE-PANRE Review in May 2022. Dr. Rowin seconded the motion. All voted in favor the motion passed.

Agenda item #11, Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director. Ms. Unterborn reported on one Agreed Order offered by the Executive Director and accepted by the applicant. After discussion, **Mr.**

Sauer moved to recommend to the full Board that the one Agreed Order be approved. Mr. Bulls seconded the motion. All voted in favor and the motion passed.

Agenda item #12, Report on physician assistant licenses issued by Board staff. Ms. Unterborn 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 1 of FY22, 310 physician assistant licenses were issued in an average processing time of 12 days. In Quarter 1 of FY23, as of October 18, 2022, 210 physician assistant licenses were issued in an average processing time of 5 days.

In FY22, a total of 1109 physician assistant licenses were issued in an average processing time of 7 days.

Agenda item #14, Report on cancelled/not renewed data/retired licenses. Ms. Hines presented a report with registration statistics for Quarter 4 of FY21, Quarter 4 of FY22 and totals for FY21 and FY22.

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

- A. Enforcement Activity Report** Mr. Chris Palazola, Director of Operations, gave the Enforcement Activity Report.
- B. Warning Letters Report** Mr. Palazola gave a report on Warning Letters.
- 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.

There was a break from 10:58 am to 11:17 am.

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

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

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

A. Jurisdictional

After discussion, **Ms. Gottschalk moved, Dr. Ahmed seconded, and the motion passed to deny the appeal for 22-2568.**

B. JNF

After discussion, **Ms. Gottschalk moved, Dr. Ahmed seconded, and the motion passed to deny the appeal for 22-7109.**

After discussion, **Mr. McElhaney moved, Dr. Ahmed seconded, and the motion passed to deny the appeal for 22-7591.**

After discussion, **Mr. Bulls moved, Dr. Ahmed, seconded and the motion passed to deny the appeal for 22-7229.**

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.

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

After consideration, **Dr. Rowin moved, Mr. Bulls seconded, and motion passed to approve the Modification/Termination Request Orders for Gladys A. Huerta, PA; James Stoufflet, Jr., PA; and Ella Duru, PA.**

Agenda item #22, Consideration and Approval of Agreed Board Orders. After consideration, Ms. Gottschalk moved, Dr. Ahmed seconded, and the motion passed to approve the Agreed Board Orders for Kenneth Taylor, PA and Jeffrey Lee Tyler, PA.

There were no items for Agenda item #23-26.

Agenda item #27, Consideration and Approval of Remedial Plans. After consideration, Mr. Bulls moved, Mr. McElhaney seconded, and the motion passed to approve the Remedial Plan for Cristal Ann Francis, PA; Michael Franklin, PA; and Marcus Medrano, PA.

There were no items for Agenda items #28-#35.

Agenda item #36, Open Forum for Public Comments. No one made public comments.

Agenda item #37, Consideration and Approval of July 15, 2022, Board Meeting Minutes. After consideration, **Dr. Rowin moved, Dr. Ahmed seconded, and the motion passed to approve the July 15, 2022, Board Meeting Minutes.**

Agenda item #38, Adjourn. There being no further items, **Ms. Gottschalk moved, Mr, Sauer seconded, and the motion passed to adjourn the meeting at 11:35 am.**