

TEXAS STATE BOARD OF MEDICAL EXAMINERS

AUGUST 16, 2002 BOARD MEETING MINUTES

The meeting was called to order at 8:47 a.m. by Board President, Lee S. Anderson, M.D. Board members present were Lee S. Anderson, M.D., Jose M. Benavides, M.D., Patricia S. Blackwell, Peter Chang, M.D., David E. Garza, D.O., Edward S. Hicks, Sr., Roberta Kalafut, D.O., Thomas D. Kirksey, M.D., Eddie J. Miles, Jr., Elvira Pascua-Lim, M.D., John W. Pate, Jr., M.D., Larry Price, D.O., Nancy M. Seliger, and Janet Tornelli-Mitchell, M.D.

Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to go into executive session at 8:48 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and deliberation concerning licensure applications, disciplinary actin, and private rehabilitation orders, or matters involving personnel under the authority of the Open Meetings Act, Government Code, sections 551.071 and 551.074; and the Medical Practice Act, Texas Occupations Code Annotated, sections 152.009, 160.006, 164.007, and 164.203; and Attorney General's Opinion No. H-484. Open session resumed at 9:25 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda item #3, Executive Director's report, was next. Dr. Patrick stated that most of the issues for his report had already been discussed the two previous days during the Board member workshop and various committees. He suggested that, in the interest of time, he would forego his report.

Agenda item #4, discussion, recommendation, and possible action regarding competency testing, was next. Dr. Patrick stated that the term "demonstration of current proficiency" more accurately reflects the concept he is introducing. He also stated that he supports future legislation for bi-annual license renewal. Dr. Patrick suggested that it will take time to work on an examination that would be reasonable and recommended that the Board approve the concept of working toward demonstration of current proficiency in January 2005. **Dr. Garza moved, Dr. Benavides seconded, and the motion passed to support the concept as discussed.**

Agenda item #5, discussion, recommendation, and possible action regarding legislative proposals relating to disciplinary authority, was next. Ms. Shackelford reviewed the need for expanded disciplinary authority and recommended that the Board support the concept for expanded temporary suspension authority and new authority for temporary restriction. **Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the proposal as discussed.**

Agenda item #6, Board member report, was next. It was announced that there were no items to discuss.

Agenda item #7, Proposal for Decision regarding David Lyman Bryson, M.D., was next. The recusal statement was read and no one was recused. Dr. Bryson appeared without counsel; Tom Walston was the Administrative Law Judge; and Jean DeLoach was the Board's attorney. Following Judge Walston's report, Dr. Bryson made a statement. Ms. DeLoach stated she agreed with the findings of Judge Walston. Following questions, **Dr. Tornelli-Mitchell moved, Mr. Miles seconded, and the motion passed to adopt the Proposal for Decision in the matter of David Lyman Bryson, M.D., including the Findings of Fact and Conclusions of Law, as its own, and order that the medical license of David Lyman Bryson is hereby revoked.**

Discussion/action item #1, May 17, 2002 Board meeting minutes, was considered. Dr. Chang moved, Mr. Hicks seconded, and the motion passed to approve the minutes.

Discussion/action item #2, May 15, 2002 Disciplinary Panel meeting minutes, was considered. Dr. Kirksey moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes.

Discussion/action item #3, June 13, 2002 Disciplinary Panel meeting minutes, was considered. Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the minutes with a correction as discussed.

Discussion/action item #4, June 27, 2002 Disciplinary Panel meeting minutes, was considered. Dr. Tornelli-Mitchell moved, Dr. Kirksey seconded, and the motion passed to approve the minutes.

Discussion/action item #5, July 8, 2002 Disciplinary Panel #1 meeting minutes, was considered. Mr. Hicks moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes.

Discussion/action item #6, July 8, 2002 Disciplinary Panel #2 meeting minutes, was considered. Dr. Tornelli-Mitchell moved, Dr. Kirksey seconded, and the motion passed to approve the minutes.

Discussion/action item #7, July 11, 2002 Disciplinary Panel meeting minutes, was considered. Dr. Benavides moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes.

Discussion/action item #8, July 16, 2002 Disciplinary Panel meeting minutes, was considered. Mr. Hicks moved, Dr. Benavides seconded, and the motion passed to approve the minutes.

Discussion/action item #9, July 19, 2002 Disciplinary Panel meeting minutes, was considered. Dr. Benavides moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes.

Discussion/action item #10, appointment of Disciplinary Panels, was considered. Mr. Hicks moved, Dr. Tornelli-Mitchell seconded, and the motion passed to authorize the Board President to appoint 3-member panels with at least one physician as needed to consider temporary suspensions and to name one member as the chair.

Discussion/action item #11, approval of the 2004 Board meeting schedule, was considered. Mr. Hicks moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the following dates with the understanding that the meetings may be extended to 2 ½ days as needed at the discretion of the Board President and the Executive Director: February 5-6, 2004; April 1-2, 2004; May 20-21, 2004; August 12-13, 2004; October 14-15, 2004; and December 9-10, 2004.

Dr. Tornelli-Mitchell moved, Dr. Kirksey seconded, and the motion passed to go into executive session at 10:00 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and deliberation concerning licensure applications, disciplinary action, and private rehabilitation orders, or matters involving personnel under the authority of the Open Meetings Act, Government Code, sections 551.071 and 551.074; and the Medical Practice Act, Texas Occupations Code Annotated, sections 152.009, 160.006, 164.007, and 164.203; and Attorney General's Opinion No. H-484. Open session resumed at 10:04 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda item #8, Proposal for Decision regarding Joseph C. Roell, M.D., was considered. The recusal statement was read and no one was recused. Dr. Roell appeared with his attorney, Jerry Stone. The Administrative Law Judges were Shannon Kilgore and Bill Zukauckas. Scott Freshour was the Board's attorney. Judge Kilgore gave her report and recommendations. Mr. Stone made a presentation. Mr. Freshour made a presentation, stating he agreed with the Finding of Facts and Conclusions of Law outlined by Judge Kilgore. He also recommended that the Board adopt the Order to revoke Dr. Roell's license. Dr. Garza moved, Mr. Miles seconded, and the motion passed to adopt the Proposal for Decision in the matter of Joseph C. Roell, M.D., including the Findings of Fact and Conclusions of Law, as its own, and order that the medical license of Joseph C. Roell is hereby revoked.

The Board returned briefly to Agenda item #3, Executive Director's report. Dr. Patrick asked Steve White, Director of Litigation, to report on the current system for tracking disciplinary cases. Mr. White discussed the issue and answered Board members' questions.

Dr. Price gave a report on the Public Information/Profile Committee meeting. Dr. Price moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes and action items.

Agenda item #9, proposal for Decision regarding Jon B. Harmon, Jr., M.D., was considered. The recusal statement was read and no one was recused. Dr. Harmon did not appear, nor was he represented by counsel. The Administrative Law Judge did not appear since this case was a default judgment. Jon Porter, Director of Investigations and Compliance, made a brief presentation and stated that the Administrative Law Judge recommended revocation of Dr. Harmon's license, and payment of a penalty and administrative costs. Dr. Benavides moved, Dr. Tornelli-Mitchell seconded, and the motion passed to adopt the Administrative Law Judge's Proposal for Decision in the matter of John Harmon, M.D., including the Findings of Fact and Conclusions of Law, as its own, and order that the medical license of John Harmon is hereby revoked, an administrative penalty in the amount of \$1000 is imposed, and costs in the amount of \$3530 are assessed.

Dr. Tornelli-Mitchell moved, Dr. Kalafut seconded, and the motion passed to go into executive session at 10:50 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and deliberation concerning licensure applications, disciplinary action, and private rehabilitation orders, or matters involving personnel under the authority of the Open Meetings Act, Government Code, sections 551.071 and 551.074; and the Medical Practice Act, Texas Occupations Code Annotated, sections 152.009, 160.006, 164.007, and 164.203; and Attorney General's Opinion No. H-484. Open session resumed at 11:26 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda item #10, Proposal for Decision regarding Richard Allen Mosby, M.D., was next. The recusal statement was read and Dr. Chang was recused. Dr. Mosby appeared without counsel. Tom Walston, Administrative Law Judge, appeared on behalf of Judge Broyles. Scott Freshour was the Board's attorney. Judge Walston made a presentation and recommended revocation of Dr. Mosby's license. Dr. Mosby made a

presentation. Mr. Freshour also made a presentation, recommending adoption of the Proposal for Decision with correction of minor clerical errors. **Dr. Garza moved, Mr. Hicks seconded, and the motion passed to adopt the Administrative Law Judge's Proposal for Decision in the matter of Richard Allen Mosby, M.D., including the Findings of Fact as corrected for numbering errors as discussed and the Conclusions of Law, except Conclusion of Law Number 12 which is accepted as the recommended penalty, as its own, and order that the medical license of Richard Allen Mosby is hereby revoked.**

Agenda item #17, consideration and approval of Non-Public Rehabilitation Orders, was considered. Ms. Seliger moved, Dr. Pate seconded, and the motion passed to approve Rehabilitation Orders #196, 197, 198, 199, 200, 201; modification of Rehabilitation Order #132; and termination of Rehabilitation Order #42.

The Board considered the modification of Rehabilitation Order #99. Dr. Kalafut moved, Ms. Seliger seconded, and the motion passed to deny modification of Rehabilitation Order #99.

The Board considered the termination of Rehabilitation Order #83. Dr. Tornelli-Mitchell moved, Ms. Seliger seconded, and the motion passed to deny the termination of Rehabilitation Order #83.

The Board considered the modification of Rehabilitation Order #118. Dr. Garza moved, Ms. Seliger seconded, and the motion passed to accept the denial of the modification of Rehabilitation Order #118.

The Board considered the modification of Rehabilitation Order #100. Ms. Seliger moved, Mr. Hicks seconded, and the motion passed to approve the denial of the modification of Rehabilitation Order #100.

Agenda item #24, Mandatory Suspension Orders, was considered. Mari Robinson, staff attorney, explained the mandatory suspension order on Robert B. Kimmel, M.D. **Dr. Benavides moved, Dr. Kalafut seconded, and the motion passed to approve the order on Dr. Kimmel.**

Agenda item #11, Proposal for Decision regarding Regina M. Smith, M.D., was considered. The recusal statement was read and no one was recused. Dr. Smith appeared with her attorney, Ace Pickens. Janet Dewey was the Administrative Law Judge. Mari Robinson was the Board's attorney. Judge Dewey recommended dismissal because the Board failed to prove its case. Mr. Pickens made a presentation. Ms. Robinson made a presentation and explained that the Board rules allow the Board to not accept a recommendation of the Administrative Law Judge and to take action the Board deems appropriate. She recommended that the Board make several changes to the Proposal for Decision and take action against Dr. Smith. **Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to go into executive session at 12:42 p.m. for private consultation and advice of counsel and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action under the authority of the Open Meetings Act, Government Code, section 551.071; and the Medical Practice Act, Texas Occupations Code Annotated, sections 152.009, 160.006, and 164.007; and Attorney General's Opinion No. H-484.** Open session resumed at 12:54 p.m. and it was announced that no action had been taken. A certified agenda was made. **Dr. Pate moved, Dr. Chang seconded, and the motion failed to accept the Administrative Law Judge's recommendation. Dr. Price moved, Dr. Tornelli-Mitchell seconded, and the motion passed that the Texas State Board of Medical Examiners refuse to adopt the Administrative Law Judge's Proposal for Decision in the matter of Regina Smith, M.D. including the Findings of Fact and Conclusion of Law, as its own, because the proposed order is not sufficient to protect the public interest and that the TMB adopt an order that includes the changes to Findings of Fact and Conclusions of Law as proposed by staff attorney, publicly reprimands Dr. Smith, and assess a penalty in the amount of \$2500.**

Agenda item #12, a case remanded from district court regarding Robert N. Berezoski, Jr., M.D., was considered. Ms. Shackelford explained that Dr. Berezoski's license had been suspended by the Board, the case went to a hearing at the State Office of Administrative Hearings (SOAH), the final order suspended his license for 10 years, the case was appealed to district court, and the Judge remanded the case back to the Board. The case was then refiled at SOAH, and 18 months later, the SOAH judge ruled that it is outside of her jurisdiction. Following explanation of the Board's options, **Dr. Garza moved, Mr. Hicks seconded, and the motion passed to grant a rehearing of the case to be heard at the next Board meeting.**

Agenda item #13, a rehearing of a case remanded from district court regarding Harold Granek, M.D., was considered. Dr. Tornelli-Mitchell presided over the case. The recusal statement was read and Dr. Anderson was recused. Ms. Shackelford reviewed the order of the District Court remanding the case back to the board. Dr. Granek did not appear, but was represented by his attorney, Ace Pickens. Steve White, Director of Litigation, represented the Board. Following questions and comments, **Dr. Price moved, Ms. Seliger seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law in the original order, change the penalty to \$25,000, suspend the license, stay the suspension and place on probation for 3 years, restrict practice to female patients only, attend the Vanderbilt course, and obtain 10 hours of continuing medical education in ethics.**

Agenda item #14, request made by Alimadad M. Jatoi, M.D. for modification of the time period in which to ask for a rehearing of a Proposal for Decision, was considered. Dr. Anderson resumed at presiding officer. Ms. Shackelford reviewed the request presented by Dr. Jatoi and explained the option. **Dr. Kalafut moved, Dr. Tornelli-Mitchell seconded, and the motion passed to deny Dr. Jatoi's request.**

Agenda item #15, public hearing and consideration of adoption of proposed rule changes, was next. Chapter 161, General Provisions, amendments to section 161.6 regarding committees of the board, was considered. No comments were received regarding the proposal. **Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the amendments.**

Chapter 163, Licensure, amendments to sections 163.1 and 163.5 regarding the definitions of "medical school curriculum" and "substantially equivalent"; and supervision of medical school students, was considered. No comments were received regarding the proposal. **Dr. Garza moved, Dr. Kirksey seconded, and the motion passed to approve the amendments.**

Chapter 164, Physician Advertising, amendments to section 164.3 regarding testimonials used in advertising, was considered. The board considered one written comment that was received asking for clarification of the proposed amendment. Following discussion, **Dr. Tornelli-Mitchell moved, Dr. Kirksey seconded, and the motion passed to approve the amendments as published.**

The Board considered the following proposed rule changes en masse: Chapter 165, Medical Records, amendments to sections 165.2-165.4 regarding fees charged for copies of billing records and general clean-up of the sections; Chapter 166, Physician Registration, amendment to section 166.2, regarding continuing medical education; Chapter 171, Postgraduate Training Permits, rule review with no proposed amendments; Chapter 173, Physician Profiles, amendment to section 173.1 regarding profile contents; Chapter 175, Fees, Penalties, and Applications, amendment to section 175.1 regarding fees for physician assistant annual registration; Chapter 180, Rehabilitation Orders, rule review with no proposed amendments; Chapter 183, Acupuncture, amendments to sections 183.4 and 183.20 regarding evaluating English proficiency and continuing acupuncture education. Comments regarding charges for copies of billing records were received relating to the proposal on Chapter 165. The Board considered the comments, but disagreed with them. Following discussion, **Mr. Hicks moved, Mr. Miles seconded, and the motion passed to approve the rule changes outlined above.**

The Board considered the proposed changes to Chapter 184, Surgical Assistants, new sections 184.4 and 184.17-184.24 regarding licensure requirements, disciplinary guidelines, administrative penalties, investigations, complaint procedure notification, and compliance. No comments were received concerning the proposal. Following discussion, **Dr. Price moved, Dr. Tornelli-Mitchell seconded, and the motion passed to adopt the proposed rules with a non-substantive change relating to the name of a surgical assistant association and to make reference to the complaint procedure notification in section 184.19, rather than printing the complete text.**

The Board considered the proposed changes to Chapter 190, Disciplinary Guidelines, amendment to section 190.1 regarding clarification of the definition of practice inconsistent with public health and welfare and general clean-up of the section. No comments were received. **Dr. Tornelli-Mitchell moved, Dr. Garza seconded, and the motion passed to approve the amendment as published.**

The Board considered the proposed changes to Chapter 193, Standing Delegation Orders, new sections 193.11 and 193.12 regarding the use of lasers. There were numerous written comments and a large number of people made comments during the public hearing. The Board members discussed the comments received and made several suggestions for further amendments to the rule. Dr. Tornelli-Mitchell suggested the addition of a patient consent form and Dr. Kalafut wanted to add a provision that physicians conduct a face-to-face evaluation of the patient prior to laser treatment. **Ms. Seliger moved and Dr. Kalafut seconded the motion to adopt sections 193.11 and 193.12 with the addition of language to include a patient disclosure form and amendment of 193.12 (c)(2) to require a personal evaluation by the physician.** Ms. Shackelford advised that the motion constituted a substantive change to the proposed rule and will require republication. **Ms. Seliger amended her motion to include language in the rule that the physician evaluation must be prior to each treatment with a personal examination on the first visit. The motion failed. Dr. Tornelli-Mitchell moved, Dr. Benavides seconded, and the motion passed to make a change to section 193.12(c)(2) regarding evaluation by the physician, add patient disclosure, and defer further action until the October board meeting to allow additional time to review all of the comments.**

Agenda item #23, consideration and approval of termination of suspension orders, was next. Dr. Tornelli-Mitchell moved, Dr. Kalafut seconded, and the motion passed to approve the order on Shing Yip Pang, M.D., with the addition of a paragraph regarding automatic revocation.

Dr. Tornelli-Mitchell moved, Dr. Benavides seconded, and the motion passed to approve the orders on Demetris A. Green, M.D. and Alan Deshefy, M.D.

Jacques S. Jaikaran, M.D., was present at the Board meeting and the Board members asked Dr. Jaikaran why he did not take and pass the jurisprudence examination within one year as required by his order. Dr. Jaikaran stated that he chose not to take the examination. **Dr. Kirksey moved, Dr. Price seconded, and the motion passed to go into executive session at 4:23 p.m. for private consultation and advice of counsel and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action under the authority of the Open Meetings Act, Government Code, section 551.071; and the Medical Practice Act, Texas Occupations Code Annotated, sections 152.009, 160.006, and 164.007; and Attorney General's Opinion No. H-484.** Open session resumed at 4:35 p.m. and it was announced that no action was taken during executive session. A certified agenda was made. **Dr. Kirksey moved, Dr. Price seconded, and the motion passed to approve the termination of suspension regarding Jacques S. Jaikaran, M.D.**

Agenda item #18, consideration and approval of agreed board orders, was next. Dr. Tornelli-Mitchell moved, Dr. Benavides seconded, and the motion passed to approve the following orders: P. Kent Harman, M.D.; John F. Priestley, D.O.; Samuel L. Gladney, M.D.; Karin A. McCloskey, M.D.; Robert M. Leath, M.D.; Walter R. Lowe, M.D.; Charles R. Schultz, M.D.; Samer Izzat Jifi-Bahlool, M.D.; G. K. Ravichandran, M.D.; Max L. Gouverne, M.D.; Harold F. Adelman, M.D.; David Lee Sneed, D.O.; Charle J. Deur, M.D.; Sylvia Garwin, M.D.; Charles D. Valadez, M.D.; Allan Shippel, M.D.; Royce McAnally, D.O.; Webb K. Key, Jr., D.O.; Daniel K. Boatright, D.O.; James R. Hildebrand, M.D.; Michael W. McKown, D.O.; David A. Haymes, M.D.; Robert G. Garmon, D.O.; Bernard Spector, M.D.; Phillip A. Head, M.D.; Charles Don Sartor, M.D.; Howard L. Huddleston, M.D.

The order on John C. Norbeck, M.D. was discussed. Dr. Tornelli-Mitchell moved and Dr. Pate seconded the motion to approve the order with a change to increase the penalty to \$1,000. The motion was withdrawn. Dr. Garza moved, Mr. Hicks seconded, and the motion passed to approve the order as presented.

The order on Barrett C. Hall, M.D. was considered. Dr. Price moved, Mr. Hicks seconded, and the motion passed to approve the order as presented.

The order on Dong Soo Kim, M.D. was considered. Dr. Price moved, Dr. Kirksey seconded, and the motion passed to approve the order as presented.

The order on Yuri Javier Caballero, M.D. was considered. Dr. Tornelli-Mitchell moved, Dr. Kirksey seconded, and the motion passed to go into executive session at 5:05 p.m. for private consultation and advice of counsel and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action under the authority of the Open Meetings Act, Government Code, section 551.071; and the Medical Practice Act, Texas Occupations Code Annotated, sections 152.009, 160.006, and 164.007; and Attorney General's Opinion No. H-484. Open session resumed at 5:10 p.m. and it was announced that no action was taken during executive session. A certified agenda was made. **Dr. Tornelli-Mitchell moved, Dr. Kalafut seconded, and the motion passed to defer action and direct Board staff to do further investigation.**

The order on Michael J. Huggins, M.D. was considered. Dr. Tornelli-Mitchell moved, Dr. Kirksey seconded, and the motion passed to approve the order.

The order on Teresa J. Huggins, M.D. was considered. Dr. Kirksey moved, Dr. Tornelli-Mitchell seconded, and the motion passed to add the tolling provision and a requirement that Dr. Huggins pass the jurisprudence examination upon her return to Texas.

The Board reconsidered the order on Michael J. Huggins, M.D. **Dr. Kirksey moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the order with the addition of the tolling provision.**

The order on William H. Mack, M.D. was considered. Dr. Benavides moved, Dr. Kirksey seconded, and the motion failed to not approve the order, but to direct staff to move forward to a hearing to seek revocation. Dr. Price moved, Dr. Garza seconded, and the motion failed to adopt the order as presented. Dr. Tornelli-Mitchell moved and Mr. Hicks seconded the motion to suspend the license, stay the suspension, and add the automatic revocation provision. Dr. Tornelli-Mitchell amended her motion and Mr. Hicks seconded to keep the order as a public reprimand with the additional clause stating another violation would result in automatic revocation. The motion passed.

The order on Dennis Lee Bartasis, D.O. was considered. Dr. Garza moved, Dr. Pascua-Lim seconded, and the motion passed to approve the order.

Agenda item #19, consideration and approval of modification request/termination request orders, was next. Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the following orders en masse: James C. Womack, M.D.;

Castilla A. Darby, Jr., M.D.; Lee Paul Fry, M.D.; Jacques A. Roy, M.D.; Donald R. Kirks, M.D.; Mary E. Thomson, M.D.; Tayab R. Andrabi, M.D.; Joseph J. Martinez-O'Hara, M.D.; Charles D. Bittle, M.D.; Russell Zepeda, M.D.; Michael G. Iversen, M.D.; Robert T. Berwind, M.D.; Robert S. Bell, M.D.

Agenda item #22, consideration and approval of mediated settlement agreement orders, was next. Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the following orders: Allen B. Manning, M.D.; Jess B. Caderao, M.D.; and Robert E. Gulde, M.D.

Agenda item #21, consideration and approval of nunc pro tunc orders, was next. Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the order on Carrie Sue Cannon, M.D.

Dr. Tornelli-Mitchell moved, Dr. Kirksey seconded, and the motion passed to go into executive session as 5:45 p.m. for private consultation and advice of counsel and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action under the authority of the Open Meetings Act, Government Code, section 551.071; and the Medical Practice Act, Texas Occupations Code Annotated, sections 152.009, 160.006, and 164.007; and Attorney General's Opinion No. H-484. Open session resumed at 5:50 p.m. and it was announced that no action was taken. A certified agenda was made.

Dr. Anderson gave a report of the Board member workshop. Dr. Anderson moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes.

Mr. Hicks gave a report of the Finance Committee meeting. Dr. Benavides moved, Dr. Garza seconded, and the motion passed to approve the minutes and action items.

Dr. Tornelli-Mitchell gave a report of the Standing Orders Committee meeting. Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the minutes and action items.

Dr. Tornelli-Mitchell gave a report of the Credentials Verification Study Committee meeting. Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the minutes and action items.

Dr. Anderson gave a report of the Executive Committee meeting. Mr. Hicks moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes and action items.

Dr. Kirksey gave a report of the Surgical Assistants Committee meeting. Dr. Kirksey moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes and action items with the addition of a proposed rule change that needs to be published on an emergency basis in order to meet the statutory deadline.

Dr. Garza gave a report of the Licensure Committee meeting. After additional discussion regarding the application of Joseph Bolger, M.D., Mr. Hicks moved, Mr. Miles seconded, and the motion passed to approve the minutes and action items. Dr. Garza moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the order on Applicant #203. Dr. Garza moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the order on Applicant #204. Dr. Garza moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the order on Applicant #207.

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

There being no further business, the meeting adjourned at 6:35 p.m.