



**TEXAS PHYSICIAN ASSISTANT BOARD  
BOARD MEETING  
December 3, 2010**

The meeting was called to order at 10:40 a.m. by Presiding Officer, Margaret K. Bentley. Board members present were Ron Bryce, M.D.; Anna Chapman; Teralea Jones, PA-C; Felix Koo, M.D.; Michael Mitchell, D.O., PA-C; and Edward Zwanziger, PA-C. Staff members present were Mari Robinson, Executive Director; Jaime Garanfio, Director of Customer Affairs; Jennifer Kaufman, Assistant General Counsel; Megan Goode, Manager of Special Projects; and various other staff members.

**Agenda item #2, Consideration and possible action for the Proposal for Decision**

- 1. Donald Gene Holmes, P.A., SOAH #503-10-0658.** Suzanne Marshall, Administrative Law Judge, presented the Proposal for Decision on behalf of Judge Hunter Burkhalter. Donald Gene Holmes, P.A., was not present. Staff attorney, Elaine Snow, was present and gave a brief presentation. After discussion, **Ms. Chapman moved, and Dr. Mitchell seconded, and the motion passed to adopt the Findings of Fact recommended by the Administrative Law Judge in the Proposal for Decision, with a correction to Finding of Fact No. 7 to reflect the date was actually on or about October 16, 2009; and to adopt the Conclusions of Law except Conclusion of Law 5, because it is a sanction recommendation, and the determination of an final action is reserved to the board; and to adopt the Final Order revoking the licensure of Donald Gene Holmes.**

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

**Physician Health Program update.** Ms. Robinson reported that well over one hundred respondents are participating in the Physician Health Program drug testing. Ms. Robinson reported that staff is working with the Program on ways for an impaired licensee to relinquish their license without incurring a fee and on ways to deal with cases that have dual issues.

**Travel Voucher with Checklist.** Board staff presented an updated travel voucher form with checklist for board members to use for a more efficient reimbursement process.

**Legislative Update.** Ms. Robinson gave an update on proposed legislation and the possible negative impact of future budget cuts in the upcoming legislative session.

The board recessed at 10:59 a.m.

The board reconvened at 1:10 p.m. A quorum was confirmed.

**Agenda item #5. Budget update.** Brandy Smith presented the FY2011 budget update.

**Agenda item #6. Discussion, recommendation, and possible action regarding physician assistants performing Acudetox.** Ms. Kaufman presented a brief overview of certification of Acudetox. Attorney Jon Porter presented oral comments. After discussion, **Dr. Mitchell moved, Dr. Koo seconded, and the motion passed that the practice of Acudetox can be delegated from the supervising physician to a physician assistant without the necessity of the delegated physician assistant obtaining additional certification.**

There were no items for Agenda Item #7.

**Agenda item #8, Consideration and Approval of Agreed Board Orders.** After discussion, **Dr. Mitchell moved, Ms. Chapman seconded, and the motion passed to approve the Agreed Board Orders for Lloyd J. Aschberger, P.A.; Jeshua J. Barak, P.A.; Susan L. Bryant, P.A.; Joseph M. Curry, P.A.; Gary L. Hawkins III, P.A.; David C. Palmieri, P.A.; and Jolena Wall, P.A.**

There were no items for Agenda Items 9-11.

**Agenda item #12, Consideration and Approval of Mediated Settlement Agreement Orders.** After discussion, **Ms. Chapman moved, Ms. Jones seconded, and the motion passed to approve the Mediated Settlement Order for Modesto Medina, P.A.**

**Agenda item #13, Consideration and Approval of Termination of Suspension Orders.** After discussion, **Ms. Chapman moved, Mr. Zwanziger seconded, and the motion passed to approve the Denial of the Termination of Suspension Order for David Ray, P.A.** Dr. Koo was recused.

There were no items for agenda items # 14.

**Agenda item #15, Consideration and Approval of Determination of Default.**

- 1. Thad William Houseman, P.A.** Lee Bukstein gave a brief presentation. A response was not received from Thad William Houseman, P.D. After discussion, **Dr. Mitchell moved, Dr. Bryce seconded, and the motion passed to approve the Determination of Default for Thad William Houseman, P.A.**
- 2. Alberto Phillips.** Joe Tabaracci gave a brief presentation. A response was not received from Alberto Phillips. After discussion, **Dr. Mitchell moved, Ms. Chapman seconded, and the motion passed to approve the Determination of Default for Alberto Phillips.**

There were not items for agenda item #16.

**Agenda item #17, Consideration and Approval of Cease and Desist Orders.** After discussion, **Dr. Mitchell moved, Ms. Chapman seconded, and the motion passed to approve the Cease and Desist Order for Dan Shevlin.**

**Agenda item #18, Discussion, recommendation, and possible action, including publication in the Texas Register for public comments, regarding Chapter 185, Physician Assistants, with proposed amendments to §185.3, relating to Meetings and Committees.** Ms. Kaufman gave a brief summary. After discussion, **Dr. Koo moved, Ms. Chapman seconded, and the motion passed to approve for adoption the proposed amendments to §185.3, relating to Meetings and Committees and to refer to the Texas Medical Board for adoption.**

**Agenda item #19, Discussion, recommendation, and possible action including approval for publication in the Texas Register for public comment proposed amendments to 22 T.A.C. Chapter 185:**

- 1. §185.4, relating to Procedural Rules for Licensure Applicants**
- 2. §185.6, relating to Annual Renewal of License.**

Ms. Kaufman gave a brief summary. No written comments were received and no one signed-in to present oral comments. After discussion, **Dr. Koo moved, Ms. Chapman seconded, and the motion passed to approve the proposed amendments to 22 T.A.C. Chapter 185: §185.4, relating to Procedural Rules for Licensure Applicants and §185.6, relating to Annual Renewal of License, for publication in the Texas Register for public comments.**

**Agenda item #20, Consideration and Approval of the July 9, 2010 Board Meeting Minutes.** After discussion, **Ms. Jones moved, Dr. Koo seconded, and the motion passed to approve the minutes with a clerical correction.**

**Agenda item #21, Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.**

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

Dr. Koo gave a Physician Owned Clinic Ad Hoc Committee report. **Dr. Koo moved, Ms. Jones seconded, and the motion passed to approve the Physician Owned Clinic Ad Hoc Committee minutes.**

Ms. Jones gave a Licensure Committee report. **Ms. Jones moved, Ms. Chapman seconded, and the motion passed to approve the Licensure minutes and action items, except for action item # 2 – Discussion, recommendation, and possible action regarding the Physician Associate Program of Our Lady of the Lake College, Baton Rouge, Louisiana.**

After discussion, **Dr. Mitchell moved, Ms. Chapman seconded, and the motion passed to continue to interpret the statute and board rule to mean that a program must be accredited at the time of the applicant's graduation in order for an applicant to be eligible for licensure, and thus the three applicants who appeared before the Licensure Committee and are graduates of Our Lady of the Lake College do not currently meet eligibility criteria for a Texas Physician Assistant license.**

**Agenda item #21, Adjourn.** There being no further agenda items the meeting, adjourned at 2:50 p.m.