

TEXAS MEDICAL BOARD
LICENSURE COMMITTEE MEETING MINUTES

April 6, 2006

The meeting was called to order at 1:45 p.m. by Chair, John Pate, Jr., M.D. Committee members present were Melinda S. Fredricks, Manuel Guajardo, M.D., Eddie J. Miles, Elvira Pascua-Lim, M.D., Larry Price, D.O. and Annette Raggette.

Agenda Item 10 PDiscussion, recommendation, and possible action regarding proposed additions and modification to **board rules:**

Item 10 a. Chapter 163, **Licensure**, to include a limit on Texas medical jurisprudence examination attempts, delegated authority to staff to issue licenses, alternative requirements for graduates of unapproved medical schools, and general rule cleanup. **Dr. Pascua-Lim moved to publish the rules as proposed in the Texas Register for public comment. Dr. Guajardo seconded. All voted in favor and the motion passed.**

Item 10 b. Chapter 166, **Physician Registration**, to include the addition of continuing medical education in forensic evidence collection, modification to voluntary charity care practice by retired physicians, and general rule cleanup. **Dr. Pascua-Lim moved to publish the rules as proposed in the Texas Register for public comment. Ms. Raggette seconded. All voted in favor and the motion passed.**

Item 10 c. Chapter 171, **Postgraduate Training Permits**, to include clarification of reporting requirements, modifications to requirements for board-approved postgraduate fellowship training programs, and general rule cleanup. **Dr. Price moved to publish the rules in the Texas Register for public comment as proposed, incorporating the discussed revision regarding internal reviews of board-approved fellowships. Mr. Miles seconded. All voted in favor and the motion passed.**

Item 10 d. Chapter 172, **Temporary Licenses**, to include the addition of section 172.13 relating to Conceded Eminence Licenses and general rule cleanup. **Dr. Pate moved to publish the rules as proposed in the Texas Register for public comment. Ms. Fredricks seconded. All voted in favor and the motion passed.**

Executive Session was considered. Dr. Pascua-Lim moved, Ms Raggette seconded, and the motion passed at 2:35 p.m. to go into executive session for private consultation and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, and/or possible disciplinary action and consideration of possible rehabilitation orders under the authority of the Open Meetings Act, GOVERNMENT CODE, 551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006,164.007 and 164.203; and Attorney General's Opinion No. H-484.

Open session resumed at 4:29 p.m. and the Chair announced that no final action or decision was taken during the executive session. A certified agenda was made.

The Licensure Committee conducted hearings to review applicants appearing concerning eligibility. The hearings were conducted in Executive Session for deliberations concerning licensure applications and consideration of possible rehabilitation orders under the authority of the Open Meetings Act, GOVERNMENT CODE, 551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006,164.007 and 164.203; and Attorney General's Opinion No. H-484. Following the hearings, the Committee reconvened and considered the applications.

Agenda Item 2 - Discussion, recommendation and possible action regarding applicants appearing concerning eligibility.

Item 2a Physician licensure:

Applicant # 462 appeared with counsel before the Committee in executive session after referral by the Executive Director. In open session, **Ms. Raggette moved to recommend to the full board that the applicant be granted an unrestricted license. Mr. Miles seconded. All voted in favor. The motion passed.**

Applicant #451 appeared before the Committee in executive session on referral by the Executive Director. In open session, **Ms. Raggette moved to recommend to the full board that the applicant be granted a physician license under a non-public, non-disciplinary rehabilitation order that includes the requirements specified in the Rehabilitation Checklist.** This recommendation is due to the applicant's impairment due to illness. **Dr. Pascua-Lim seconded the motion. All voted in favor. The motion passed.**

Applicant #459 appeared before the Committee in executive session on referral by the Executive Director. In open session, **Dr. Pascua-Lim moved to recommend to the full board that the applicant be granted a physician license under a non-public, non-disciplinary rehabilitation order that includes the requirements specified in the Rehabilitation Checklist.** This recommendation is due to the applicant's multiple alcohol-related criminal incidents. Factors contributing to this recommendation are issues raised by the board's consultant and the consultant's recommendation. **Mr. Miles seconded the motion. All voted in favor. The motion passed.**

Applicant #467 appeared before the Committee in executive session on appeal of the Executive Director's determination of ineligibility. In open session, **Dr. Guajardo moved to recommend to the full board that the applicant be determined ineligible for licensure due to failure to pass each step of USMLE within three attempts and failure to pass all steps within ten years, which make the applicant statutorily ineligible.** Factors contributing to this recommendation include statutory requirements that may not be waived. **Mr. Miles seconded the motion. All voted in favor. The motion passed.**

Item 2b PPhysician in training permit:

Applicant #452 appeared with counsel before the Committee in executive session on referral by the Executive Director. In open session, **Mr. Miles moved to recommend to the full board that the applicant be granted a physician in training permit under a non-public, non-disciplinary rehabilitation order that includes the requirements specified in the Rehabilitation Checklist.** This recommendation is due to the applicant's impairment due to a mental condition. Factors contributing to this recommendation are concerns raised by the board's consultant and the consultant's recommendation. **Ms. Raggette seconded the motion. All voted in favor. The motion passed.**

Item 2c PAcudetox certification **P**There were none.

Item 2d PSurgical assistant licensure **P**There were none.

Agenda Item 3 PDiscussion, recommendation, and possible action regarding **applicants appearing for rehearing concerning eligibility:**

Item 3a **P**Physician licensure: There were none

Item 3b PPhysician in training permits. There were none.

Item 3c PAcudetox certification PThere were none.

Item 3d PSurgical assistant licensure PThere were none.

Agenda Item 4 PDiscussion, recommendation and possible action regarding **applicant requests:**

Item 4a m/span> Requests for Rehearing P**Applicant No. 447** request for rehearing based upon applicant's contention of new information. **Dr. Pascua-Lim moved that the request for rehearing be denied and that the prior determination of ineligibility due to time out of medicine and falsification of the licensure application be upheld.** This recommendation is due to the Committee's review of the information presented. Factors contributing to this recommendation include the failure of the applicant to provide new information that would overcome the Committee's original decision. **Mr. Miles seconded. All voted in favor of the motion and the motion passed.**

Applicant No. 444 request for rehearing based upon applicant's contention of new information. **Mr. Miles moved to recommend to the full Board that the applicant's request for rehearing based on the contention of new information be approved. Dr. Pascua-Lim seconded. All voted in favor of the motion and the motion passed.**

Item 4b ÑRequest for Waiver of Acupuncture License Requirements m/b> There were none.

Agenda Item 5 PReports on:

Item 5a P**Proposed orders** for restriction of physician licensure and physician in training permit applicants PThere were none.

Item 5b PApprovals by the Executive Director of physician licensure applicants who are graduates of **medical schools from which the Board has not previously licensed** PMrs. Garanfio presented a report on two applicants who graduated from two different medical schools; Univ Catol Do Parana, Fac De Med, Curitiba, Parana, Brazil, and University of the City of Manila, Philippines. The applicants' medical educations have been reviewed by the Executive Director and staff and found to meet appropriate board

rules and statute. These applicants were graduates of medical schools from which the board has not previously licensed.

Item 5c M/>**Letters of eligibility of physician** licensure applicants - Staff presented a letter from the government of St. Maarten that will be used as reference for future applicants of the American University of the Caribbean.

Item 5d PApplicant **determinations of eligibility** made by the Executive Director in the last period - Ms. Garanflo presented a report on applicant determinations of eligibility made by the Executive Director for the period February 1, 2006 through April 6, 2006.

Item 5e PPhysician **licensure process statistics** - Ms. Garanflo presented a report on physician licensure application process statistics for fiscal year 2006 through March, 2006. Ms. Garanflo advised the committee of the dramatic increase in physician licensure applications received this fiscal year. The committee discussed possible reasons for the increase and requested staff to provide additional information at the next committee meeting.

Agenda Item 6 PDiscussion, recommendation, and possible action regarding **applicants to be considered for licensure, permits or certification:**

Item 6a PPhysician licensure applicants - There were 324 applicants who met all requirements to be considered for permanent licensure by the full Board. **Dr. Pascua-Lim moved to recommend to the full board that all 324 applicants for permanent licensure be approved. Ms. Raggette seconded the motion. All voted in favor. The motion passed.**

Item 6b - Acudetox certification applicants - There were none.

Item 6c - Surgical assistant licensure applicants - There were 3 Surgical Assistant applicants to be considered for approval. **Dr. Pascua-Lim moved to recommend to the full board that all 3 Surgical Assistant licensure applicants be approved. Ms. Raggette seconded the motion. All voted in favor. The motion passed.**

Agenda Item 7 - Discussion, recommendation and possible action regarding **licensee requests:**

Item 7a - Request of physician for **activation of canceled physician licenses** - There were none.

Item 7b - Request of physician to return to **Active Status from Texas Retired Status** PThere was one request to be considered for activation of a retired medical license. The Committee discussed the request of Applicant # 460 to return to active status. **Dr. Pascua-Lim moved to deny the application until such time that the applicant provides additional information regarding the applicant's activities during retirement. Mr. Miles seconded the motion. All voted in favor. The motion passed.**

Agenda Item 8 - Discussion, recommendation, and possible action regarding **cancellation of licenses** by request for incomplete registration.

Item 8a PSurgical Assistants PThere are none

Item 8b PAcudetox PThere were 15 Acudetox Specialist applicants to be considered for cancellation of licenses. **Dr. Pascua-Lim moved to recommend to the full board that the Acudetox Specialist applicants be approved for cancellation. Mr. Miles seconded the motion. All voted in favor. Motion passed.**

Agenda Item 9 - Discussion, recommendation, and possible action regarding **Nonprofit Health Organizations:**

Item 9a - Applicants for initial certification - There were three applications for initial certification as a Nonprofit Health Organization for approval. **Dr. Price moved to recommend to the full board that the applications for initial certification as a Nonprofit Health Organization be approved. Mr. Miles seconded the motion. All voted in favor. The motion passed.**

Item 9b - Requests for biennial recertification - There were ten applications to be considered for biennial recertification as Nonprofit Health Organizations. **Dr. Price moved to recommend to the full board that the applications for biennial recertification as Nonprofit Health Organizations be approved. Ms. Fredricks seconded the motion. All voted in favor. The motion passed.**

Item 9c - Cancellation of organizations certified as Nonprofit Health Organizations - There were three requests for de-certification of an organization certified as a Nonprofit Health Organization. **Ms. Fredricks moved to recommend to the full board that the requests for de-certification as Nonprofit**

Health Organizations be approved. Ms. Raggette seconded the motion. All voted in favor. The motion passed.

Agenda Item 11 - There being no further business, Ms. Fredricks moved to adjourn the meeting. Ms. Raggette seconded the motion. All voted in favor. The motion passed. The meeting adjourned at 4:58 p.m.