

TEXAS STATE BOARD OF PHYSICIAN ASSISTANT EXAMINERS
LICENSURE COMMITTEE MEETING MINUTES
FEBRUARY 28, 2003

The meeting was called to order at 10:01 a.m. by Chairman, Tony Hedges, D.O. Committee members present were Pamela W. Clark; G. Al Bendeck, PA-C; and Dwight Deter, PA-C. Jerry Walker, Deputy Executive Director; Jennifer Soffer, J.D., Assistant General Counsel; Jaime Garanflo, Director, Customer Affairs; Tim Speer, Manager, Physician Assistant/Acupuncture Division; and various other staff were also present.

Agenda item #2, Executive Session, was considered. Mr. Bendeck moved, Ms. Clark seconded, and the motion passed at 10:02 a.m. to go into executive session for private consultation and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, possible disciplinary action and/or possible rehabilitation order under the authority of the Open Meetings Act, GOV'T CODE, §551.071; and the Medical Practice Act, TEX. OCC. CODE ANN., §152.009; and the Physician Assistant Licensing Act, TEX. OCC. CODE ANN., §§204.208, 204.254, 204.305, and 204.306; and Attorney General's Opinion No. H-484. Open session resumed at 10:38 a.m. and it was announced that no action was taken during Executive Session. A certified agenda was made.

Agenda item #4, regarding licensure applicants referred to the Licensure Committee by the Executive Director for determination of eligibility of licensure, was considered. Applicant #PA-24 appeared before the Committee for the consideration of their application and to discuss falsifying their application regarding academic probation. Applicant #PA-24 made a statement and answered committee members' questions. **Mr. Bendick moved, Mr. Deter seconded, and the motion passed to recommend to the full Board that Applicant #PA-24 be granted a Physician Assistant license.**

Applicant #PA-25 appeared before the Committee for the consideration of their application and to discuss being out of practice since 1983. Applicant #PA-25 made a

statement and answered committee members' questions. **Based on the fact that Applicant #PA-25 does not meet the requirement set out in Chapter 185.4(d) of the Board Rules regarding active practice as a Physician Assistant, Mr. Bendick moved, Ms. Clark seconded, and the motion passed to recommend to the full board that Applicant #PA-25 be issued a temporary license with an expiration date that will allow them to obtain at least 12 months of supervised practice on the condition that they only work in a setting that provides continuous, on-site physician supervision. And that quarterly, the supervising physician will submit a report to board staff regarding Applicant #PA-25's work performance including the number of hours worked. Applicant #PA-25 will be required to appear at the following Board meeting for reconsideration of their application.**

Applicant #PA-26 appeared before the Committee, with their attorney Laura Martin, for the consideration of their application and to discuss being out of practice since October 2001. Applicant #PA-26 made a statement and answered committee members' questions. **Ms. Clark moved, Mr. Bendick seconded, and the motion passed to recommend to the full Board that Applicant #PA-26 be granted a Physician Assistant license.**

Applicant #PA-27 appeared before the Committee for the consideration of her reactivation of her Texas PA License and to discuss being out of practice since February 2000. Applicant #PA-27 made a statement and answered committee members' questions. **Mr. Deter moved, Ms. Clark seconded, and the motion passed to recommend to the full Board that Applicant #PA-27 be granted a Physician Assistant license.**

Applicant #PA-28 appeared before the Committee for the consideration of their application and to discuss falsifying their application by not disclosing a complaint filed against them by the Colorado Board and academic probation. Applicant #PA-28 made a statement and answered committee members' questions. **Mr. Bendick moved and Mr. Deter seconded the motion to recommend to the full Board that Applicant #PA-28 be granted a Physician Assistant license and fined \$500 for falsification of their application.** Following discussion, Mr. Deter recommended an amendment to the motion that Applicant #PA-28 also receive a public reprimand. The amendment was not accepted. **The motion passed.**

Applicant #PA-29 appeared before the Committee, with their attorney Jon Porter, J.D., for the consideration of their application and to discuss poor and adequate evaluations. Applicant #PA-29 made a statement and answered committee members' questions. **Mr. Bendick moved, Ms. Clark seconded, and the motion passed to recommend to the full Board that Applicant #PA-29 be granted a Physician Assistant license.**

Applicant #PA-30 appeared before the Committee for the consideration of their relicensure application and to discuss an adequate evaluation. Applicant #PA-30 made a statement and answered committee members' questions. **Mr. Deter moved, Ms. Clark seconded, and the motion passed to recommend to the full Board that Applicant #PA-30 be relicensed as a Physician Assistant.**

Agenda item #3 regarding review of physician assistant applications for permanent licensure, was considered. Tim Speer, Manager of Physician Assistant Licensure, presented to the Committee a list of applicants for physician assistant licensure who had met all requirements. **Mr. Bendick moved, Ms. Clark seconded, and the motion passed to recommend to the full Board that Michael Delauney Dukate be approved for reactivation of his Texas Physician Assistant license. Ms. Clark moved, Mr. Bendick seconded, and the motion passed to recommend to the full Board that the 108 applicants listed be granted Physician Assistant licensure.**

The committee resumed Agenda item #4, regarding licensure applicants referred to the Licensure Committee by the Executive Director for determination of eligibility of licensure. **Mr. Deter moved, Ms. Clark seconded, and the motion passed at 11:39 a.m. to go into executive session for private consultation and advice of counsel concerning pending or contemplated litigation, deliberations concerning licensure applications, possible disciplinary action and/or possible rehabilitation order under the authority of the Open Meetings Act, GOV'T CODE, §551.071; and the Medical Practice Act, TEX. OCC. CODE ANN., §152.009; and the Physician Assistant Licensing Act, TEX. OCC. CODE ANN., §§204.208, 204.254, 204.305, and 204.306; and Attorney General's Opinion No. H-484. Open session resumed at 1:00**

p.m. and it was announced that no action was taken during Executive Session. A certified agenda was made.

Mr. Bendick moved, Mr. Deter seconded, and the motion passed to recommend to the full Board that Applicant #12 be given a temporary Physician Assistant license and be placed under a rehabilitation order for two years with the following stipulations: (1) abstain from the consumption of alcohol, controlled substances, or dangerous drugs in any form unless prescribed by a physician; (2) submit him/herself for appropriate examinations, including screening for alcohol or drugs, at the request of a representative of the Board; (3) be solely responsible for the payment of all costs and charges by any facility which conducts screens; (4) shall participate in the activities and programs of Alcoholics Anonymous (AA), on a regular basis of not less than 3 per week and shall maintain documentation as to the number and location of meetings attended and make such documentation available to the Board staff upon request; (5) obtain an AA sponsor within three months; (6) must supply supervising physician with a copy of rehabilitation order; (7) shall personally appear before a panel of Board representatives at least one time each year; and (8) if a drug screen turns up positive his/her license will automatically be suspended. Applicant #12 will be issued a temporary license once he/she signs the rehabilitation order and is to appear at the August 1, 2003 Board meeting to discuss his/her compliance of the rehabilitation order.

Mr. Deter moved, Ms. Clark seconded, and the motion passed to recommend to the full Board that Applicant #13 be given a temporary Physician Assistant license and be placed under a rehabilitation order for three years with the following stipulations: (1) shall receive care and treatment from a Board Certified Psychiatrist, approved in advance by the Executive Director; (2) have authorize and request in writing that the psychiatrist provide quarterly written reports to the Director of Enforcement of the Board or his designee(s) regarding care and treatment; and (3) shall personally appear before a panel of Board representatives at least one time each year. Applicant #13 will be issued a temporary license once he/she signs the rehabilitation order and at the next Board meeting be issued a permanent license with the stipulations of the rehabilitation order.

There being no further business, **Mr. Deter moved, Ms. Clark seconded, and the motion passed to adjourn the meeting at 1:04 p.m.**