

TEXAS MEDICAL BOARD
LICENSURE COMMITTEE MEETING MINUTES
June 7, 2012

The meeting was called to order at 9:51 a.m. on June 7, 2012 by Acting Chair, Paulette B. Southard. Committee members present were Pat Crocker, D.O., John D. Ellis Jr., Carlos Gallardo, Wynne M. Snoots, M.D., and Irvin E. Zeitler, Jr., D.O.

Dr. Zeitler moved, Mr. Gallardo seconded, that the Committee close the meeting to the public and continue in Executive Session for deliberations concerning Agenda item 2a. The motion passed. Ms. Southard announced that the meeting would be closed for deliberations at 9:52 a.m. concerning licensure applications and the character and fitness of applicants under the authority of The Medical Practice Act Sections 152.009 and 155.058, Occupations Code, 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 2:31 p.m.

Agenda Item 2 - Discussion, recommendation and possible action regarding licensee requests

Item 2a Applicants appearing concerning eligibility

The Licensure Committee conducted hearings to review applicants appearing concerning eligibility. The hearings were conducted in Executive Session. Following the hearings, the Committee reconvened and considered the applications.

Applicant #1186 appeared before the Committee, in executive session. In open session, **Dr. Crocker moved to recommend to the full Board that the applicant be granted an unrestricted license due to the fact the committee determined that the applicant was given inconsistent advice by his Program Director. Dr. Snoots seconded the motion. All voted in favor. The motion passed.**

Applicant #1235 appeared before the Committee in executive session. In open session, **Dr. Snoots moved to recommend to the full Board that the applicant be allowed to withdraw the application for a Texas medical license due to providing inaccurate information to the Board.** Factors

contributing to this recommendation include the Committees determination that the submission of inaccurate information was not intentional. The applicant will be allowed to file a new application in which the correct information is provided. **Dr. Zeitler seconded the motion. All voted in favor. The motion passed.**

Applicant #1238 appeared before the Committee in executive session. In open session, **Dr. Zeitler moved to recommend to the full Board that the applicant be determined ineligible for due to the applicants inability to safely practice medicine due to a physical or mental condition; failure to practice medicine in a manner consistent with public health and welfare; unprofessional or dishonorable conduct likely to deceive, defraud or injure the public; and submission of a false or misleading statement on an application for licensure.** Factors contributing to this recommendation include in 2007, while in medical school, the applicant was placed on probation due to poor performance during a clinical clerkship; in 2010, the applicants residency training program refused to renew the applicants contract due to issues of unprofessional conduct toward medical staff, patients, and patient families; the applicant has not practiced medicine since 2010 and therefore is unable to demonstrate remediation of any of the issues of concern noted in residency training; the applicant suffers from a mental condition that has adversely affected the applicants ability to safely practice medicine; and on the application for licensure the applicant failed to report issues that occurred in medical school and residency training. **Further, Dr. Zeitler moved to recommend to the full Board that upon receipt within 18 months of a request for a physician in training permit of no less than one year, the physician in training permit may be granted by the Executive Director under the following terms and conditions:**

an Administrative Penalty of \$2000

completion of an independent medical examination by a board certified psychiatrist

approved by the Executive Director, and compliance with all recommendations resulting from the evaluation.

This recommendation is due to the applicant providing false or misleading information to the Board, and the applicants inability to safely practice medicine due to a physical or mental condition. Factors contributing to this recommendation include the Committees determination that the falsification was intentional and egregious, and that the applicant suffers from a mental condition that has adversely affected the applicants ability to safely practice medicine. **Mr. Gallardo seconded the motion. All voted in favor. The motion passed.**

Applicant #1242 did not appear before the Committee, but requested consideration of the application. In open session, **Dr. Crocker moved to recommend to the full Board that the applicant be determined ineligible for licensure due to the applicants failure to meet the requirements for licensure under Sec. 155.056 of the Medical Practice Act.** Factors contributing to this recommendation include the applicant did not pass all steps of the USMLE within three attempts as required by statute. **Dr. Zeitler seconded the motion. All voted in favor. The motion passed.**

Applicant #1243 appeared before the Committee in executive session. In open session, **Mr. Gallardo moved to recommend to the full Board that the applicant be determined ineligible for due to unprofessional conduct likely to deceive, defraud or injure the public and action taken by a health care entity due to unprofessional conduct.** Factors contributing to this recommendation include in 2007, while in residency training, applicants clinical duties were suspended due to unprofessional conduct; in 2008, while in residency training, the applicant entered into a memorandum of understanding with the applicants residency training program regarding alleged unprofessional conduct; and in 2009, while in residency training, the applicants academic and clinical privileges were suspended for one year due to continued unprofessional conduct. **Mr. Ellis seconded the motion. All voted in favor. The motion passed.**

Applicant #1247 appeared before the Committee, in executive session. In open session, **Mr. Ellis moved to recommend to the full Board that the applicant be approved for relicensure due to the fact the committee determined that a malpractice complaint was not filed against the applicant, but rather the applicant was named only in dismissal and released from future potential claims on the matter.** **Mr. Gallardo seconded the motion. All voted in favor. The motion passed.**

Applicant #1249 appeared before the Committee, in executive session. In open session, **Mr. Gallardo moved to recommend to the full Board that the applicant be granted an unrestricted license.** **Dr. Crocker seconded the motion. All voted in favor. The motion passed.**

Applicant #1250 appeared before the Committee, with counsel, in executive session. In open session, **Dr. Crocker moved to recommend to the full Board that, upon compliance with all further requirements of licensure the applicant be granted a Texas medical license upon entering into a non-disciplinary remedial plan with the following terms: 4 hours CME in Ethics and 4 hours CME in risk management.** This recommendation is due to unprofessional conduct likely to deceive, defraud or injure the public and action taken by a health care entity due to unprofessional conduct. Factors

contributing to this recommendation include placement on probation in 2011 while in residency training due to lack of professionalism by failing to provide the attending physician with accurate information regarding a single patient. All terms of the probation were successfully completed. **Dr. Zeitler seconded the motion. All voted in favor. The motion passed.**

Applicant #1251 appeared before the Committee, in executive session. In open session, **Dr. Crocker moved to recommend to the full Board that the applicant be granted a Texas medical license, under a non-disciplinary remedial plan, subject to the following conditions: completion of the UT-Dallas Physician Coaching Program with information to be provided by the Executive Director.** This recommendation is due to failure to practice medicine in an acceptable professional manner consistent with public health and welfare, and action taken by a health care entity due to unprofessional conduct or standard of care violation. Factors contributing to this recommendation include in 2011, while in residency training, the applicant was placed on remediation due to inability to meet clinical responsibilities as a PGY2 primarily due to issues related to communication skills. **Mr. Gallardo seconded the motion. All voted in favor. The motion passed.**

Applicant #1252 appeared before the Committee, with counsel, in executive session. In open session, **Dr. Zeitler moved to recommend to the full Board that the applicant be granted a physician in training permit. Dr. Crocker seconded the motion. All voted in favor. The motion passed.**

Applicant #1255 appeared before the Committee, with counsel, in executive session. In open session, **Mr. Ellis moved to recommend to the full Board that the applicant be allowed to withdraw the application for a Texas medical license due to providing inaccurate information to the Board.** Factors contributing to this recommendation include the Committees determination that the submission was not intentional. The applicant will be allowed to file a new application in which the correct information is provided. **Dr. Crocker seconded the motion. All voted in favor. The motion passed.**

Item 2b - Proposed orders offered by the Executive Director.

Ms. Knight reported on 5 orders offered by the Executive Director and accepted by applicants. **Dr. Zeitler moved to recommend to the full Board that all 4 orders be approved. Dr. Crocker seconded. All voted in favor and the motion passed.**

Item 2c Physician licensure applicants to be licensed.

There were 98 applicants who met all requirements to be considered for permanent licensure by the full Board. **Dr. Crocker moved to recommend to the full Board that all 98 physician licensure applicants determined to meet eligibility requirements by staff be approved. Dr. Zeitler seconded the motion. All voted in favor. The motion passed.**

Item 2d Surgical assistant licensure applicants to be licensed

There were 3 applicants who met all requirements to be considered for licensure by the full Board. **Mr. Gallardo moved to recommend to the full Board that all 3 surgical assistant applicants determined to meet eligibility requirements by staff be approved. Dr. Crocker seconded the motion. All voted in favor. The motion passed.**

Item 2e Acudetox applicants to be certified

There were 2 applicants who met all requirements to be considered for certification by the full Board. **Dr. Zeitler moved to recommend to the full Board that the 2 acudetox applicants determined to meet eligibility requirements by staff be approved. Dr. Crocker seconded the motion. All voted in favor. The motion passed.**

Agenda Item 3 Report on physician licensure statistics. Ms. Knight reported that the average time to complete applications for physician licensure in FY 12 so far was 31 days.

Agenda Item 4a - Discussion, recommendation, and possible action regarding Nonprofit Health Organizations: Applicants for initial certification. There were 2 applications for initial certification as a Nonprofit Health Organization for approval. **Mr. Gallardo moved to recommend to the full Board that the requests for initial certification as a Nonprofit Health Organization be approved. Dr. Crocker seconded. All voted in favor and the motion passed.**

Agenda Item 4b - Discussion, recommendation, and possible action regarding Nonprofit Health Organizations: Requests for biennial recertification - There were 17 applications for biennial recertification as a Nonprofit Health Organization for approval. **Mr. Ellis moved to recommend to the full Board that the requests for biennial recertification as a Nonprofit Health Organization be approved. Dr. Crocker seconded. All voted in favor and the motion passed.**

Agenda Item 5 - Discussion, recommendation, and possible action regarding proposed amendments to board rules:

- a. 22 TAC 163.2 Full Texas Medical License
- b. 22 TAC 163.5 Licensure Documentation

Dr. Zeitler moved to recommend to the full Board that the rules be published as presented in the Texas Register for public comment. Mr. Ellis seconded. All voted in favor. The motion passed.

- c. 22 TAC 177.17 Exceptions to Corporate Practice of Medicine

Dr. Crocker moved to recommend to the full Board that the rules be published as presented in the Texas Register for public comment. Mr. Gallardo seconded. All voted in favor. The motion passed.

Agenda Item 6 - Discussion, recommendation, and possible action regarding application packets.

This item was postponed to be discussed at the August 30, 2012 Licensure Committee meeting.

Agenda Item 7 - There being no further business, Ms. Southard adjourned the meeting at 3:05 p.m.