

TEXAS MEDICAL BOARD

MINUTES OF THE  
DISCIPLINARY PROCESS REVIEW COMMITTEE

February 2, 2006

The meeting was called to order at 11:31 a.m. by Chairman David E. Garza, D.O. Other committee members present were Roberta Kalafut, D.O., Amanullah Khan, M.D., Lawrence Anderson, M.D., Jose M. Benavides, M.D., Timothy J. Turner, Patricia S. Blackwell and Paulette B. Southard. Staff members present were Michele Shackelford, General Counsel; Mari Robinson, Manager of Investigation Department; Dewey Helmcamp, Manager of Litigation Department, and various other staff.

**Agenda Item #2, appeals of closed matters: Discussion was held concerning the appeal of Jurisdictional Complaint file, Log # 04-0563.** Complainant appeared in appeal of Log # 04-0563. Dr. Kalafut moved, Mr. Turner seconded and the motion passed to take no further action on Log # 04-0563. Complainant stated that she no longer wished to pursue complaint against respondent on Log # 04-0563; complainant did leave information against other licensees of the Board for further investigation.

**Dr. Anderson moved, Dr. Kalafut seconded, and the motion passed to go into executive session at 11:45 a.m. for private consultation 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, 551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006, and 164.007; and Attorney General's Opinion No. H-484.** The Committee recessed at noon to attend a meeting of the Telemedicine Committee. Following the telemedicine presentation, open session resumed at 1:16 p.m. and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

**Agenda item # 3, regarding a report and discussion of Office-Based Anesthesia and Agenda item # 4, regarding a report and discussion of Private Rehabilitation Orders.** Dr. Patrick asked Board members for any questions regarding Office-Based Anesthesia and Private Rehabilitation Orders, previously presented at the Executive Committee meeting. This was an informational item only and no vote was necessary.

**Agenda item # 5, regarding the report and discussion of policy and procedural guidelines for Administrative Orders.** Mr. Helmcamp presented the overview of a case and case management concerning administrative orders. This was an informational item only and no vote was necessary.

**Agenda item #6, regarding Investigation, Legal and Compliance Departments reports, was presented.** Ms. Robinson, Mr. Helmcamp and Mr. Budke presented the enforcement and activity report for their perspective departments. A copy of the December 2005 Enforcement Report is attached. This was an informational item only and no vote was necessary.

**Agenda item #7, regarding review, discussion and possible action of probationers' appearances, was presented.** Mr. Turner moved, Ms. Southard seconded, and the motion passed at 2:00 p.m. for 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, 160.006, 164.007, and 164.203; and Attorney General's Opinion No. H-484. Open session resumed at 2:04 p.m. and it was announced that no action was taken during executive session. A certified agenda of the executive session was made. Following discussion Mr. Turner moved, Ms. Blackwell seconded and the motion passed to waive probation appearances for the probationers determined to be in full compliance and identified on the list attached to the Board minutes.

Agenda item #2, appeals of closed matters: Discussion was held concerning the appeals of the following Jurisdictional Complaint files: Log # 05-1153/05-1168 and Legal Case # 05-0533; Log # 05-2119; Log # 05-1848; Log # 05-1832; Log # 05-1745; Log # 05-1677; Log # 05-1594; Log # 05-1344; Log # 05-1330; Log # 05-2181; Log # 05-1407; Log # 05-1817; and Log # 05-1840.

Mr. Turner moved, Ms. Blackwell seconded, and the motion passed to go into executive session at 2:05 p.m. for private consultation 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, 551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006, and 164.007; and Attorney General's Opinion No. H-484. Open session resumed at 2:30 p.m. and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

Dr. Kalafut moved, Ms. Southard seconded and the motion passed to send Log # 05-1330 back to Investigations for another expert review.

Ms. Southard moved, Mr. Turner seconded, and the motion passed to take no further action regarding the following Jurisdictional Files: Log # 05-1153/05-1168 and Legal Case # 05-0533; Log # 05-2119; Log # 05-1848; Log # 05-1832; Log # 05-1745; Log # 05-1677; Log # 05-1594; Log # 05-1344; Log # 05-2181; Log # 05-1407; Log # 05-1817; and Log # 05-1840.

Mr. Turner moved, Ms. Southard seconded and the motion passed to take no further action on Jurisdictional-Not-Filed Files # 06-0335 and # 06-0632; and Non-Jurisdictional File # 05-8858. Jurisdictional-Not-Filed file # 06-0098 was pulled from the Agenda, as it was erroneously included; however Mr. Turner directed staff to address the fact that complainant used Board stationery without permission.

Mr. Turner moved, Ms. Southard seconded and the motion passed take no further action on Jurisdictional-Not-Filed File # 06-1018 but Mr. Turner directed Board staff to conduct a drug audit for a new investigation on respondent.

Agenda item # 7 regarding executive session to review selected files and cases recommended for dismissal by Informal Settlement Conferences/Show Compliance Proceedings or staff review was considered. Dr. Benavides moved, Ms. Blackwell seconded, and the motion passed to go into executive session at 2:49 p.m. for private consultation 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, 551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006, and 164.007; and Attorney General's Opinion No. H-484. Open session resumed at 4:49 p.m. and it was

announced that no action was taken during executive session. A certified agenda of the executive session was made.

**Agenda item #9, regarding review, discussion and possible action regarding selected files and cases, Dr. Anderson moved, Ms. Southard seconded and the motion passed, to recommend the investigations and cases reviewed by this committee be resolved as noted and that they be listed along with each resolution as part of the minutes of this committee.**

There being no further business, Mr. Turner moved, Ms. Southard seconded, and the motion passed to adjourn the meeting at 4:50 p.m.