

TEXAS MEDICAL BOARD
LICENSURE COMMITTEE MEETING MINUTES
April 11, 2013

The meeting was called to order at 10:59 a.m. on April 11, 2013 by Chair, Michael Arambula, M.D. Committee members present were John D. Ellis, Jr., Carlos L. Gallardo, William “Roy” Smythe, M.D., Wynne M. Snoots, M.D., Paulette B. Southard, and Timothy Webb.

Ms. Southard moved, Mr. Gallardo seconded, that the Committee close the meeting to the public and continue in Executive Session for deliberations concerning Agenda items 2a. The motion passed. Dr. Arambula announced that the meeting would be closed for deliberations at 11:01 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.

Mr. Gallardo left the meeting at 12:45 p.m.

The Executive Session ended at 2:10 p.m.

Agenda Item 2 - Discussion, recommendation and possible action regarding applicants for licensure, permits, and certification.

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 #1362 appeared before the Committee, with counsel, in executive session. In open session, **Mr. Webb moved to recommend to the full Board that the applicant be granted a Texas medical license, under a nondisciplinary remedial plan, subject to the following conditions:**

- **Participate in the University of Texas Dallas Physician Coaching Program**

This recommendation is due to action taken by a health care entity due to unprofessional conduct. Factors contributing to this recommendation include in June of 2012, the applicant's privileges at the Community Medical Centers (CMC) Hospital system were suspended due to a pattern of incidents involving poor communication with staff. **Ms. Southard seconded the motion. All voted in favor. The motion passed.**

Applicant #1364 appeared before the Committee, with counsel, in executive session. In open session, **Dr. Smythe moved to recommend to the full Board that the applicant be granted an unrestricted license. Dr. Snoots seconded the motion. All voted in favor. The motion passed.**

Applicant #1366 appeared before the Committee, with counsel, in executive session. In open session, **Dr. Snoots moved to recommend to the full Board that the applicant be granted a Texas medical license, subject to an Agreed Order with an administrative penalty in the amount of \$2000.** This recommendation is due to the applicant providing false or misleading information to the Board. Factors contributing to this recommendation include the applicant did not report on the application for licensure two written warnings issued by a health care facility and the committee's determination is that the submission of inaccurate information was intentional. **Ms. Southard seconded the motion. All voted in favor. The motion passed.**

Applicant #1370 appeared before the Committee, with counsel, in executive session. In open session, **Dr. Smythe moved to recommend to the full Board that the applicant be granted a Texas medical license, subject to an Agreed Order with an administrative penalty in the amount of \$2000.00.** This recommendation is due to providing false or misleading information to the Board. Factors contributing to this recommendation include the committee's determination that the falsification was intentional and egregious. **Mr. Webb seconded the motion. Ms. Southard voted against the motion. All others voted in favor. The motion passed.**

Applicant #1371 appeared before the Committee, with counsel, in executive session. In open session, **Dr. Smythe moved to recommend to the full Board that the applicant be granted an unrestricted license. Dr. Snoots seconded the motion. All voted in favor. The motion passed.**

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

Ms. Knight reported on four physician licensure orders and one physician in training order offered by the Executive Director and accepted by applicants. **Mr. Webb moved to recommend to the full Board that all five orders be approved. Dr. Smythe seconded. All voted in favor and the motion passed.**

Item 2c – Physician licensure applicants to be licensed.

There were 186 applicants who met all requirements to be considered for permanent licensure by the full Board. **Ms. Southard moved to recommend to the full Board that all 186 physician licensure applicants determined to meet eligibility requirements by staff be approved. Mr. Webb seconded the motion. All voted in favor. The motion passed.**

Item 2d – Surgical assistant licensure applicants to be licensed

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

Item 2e – Acudetox applicants to be certified

There was one applicant who met all requirements to be considered for certification by the full Board. **Ms. Southard moved to recommend to the full Board that the one acudetox applicant determined to meet eligibility requirements by staff be approved. Mr. Webb 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 the second quarter of FY 13 was 42 days.

Agenda Item 4 – Discussion, recommendation, and possible action regarding cancellation of licenses by request for incomplete registration. There were six acudetox certifications who have been delinquent for at least one year and who have not completed the registration process. **Ms. Southard moved to recommend to the full board that six acudetox certifications be cancelled. Dr. Smythe seconded. All voted in favor and the motion passed.**

Agenda Item 5a - Discussion, recommendation, and possible action regarding Nonprofit Health Organizations: Applicants for initial certification. There were seven applications for initial certification as a Nonprofit Health Organization for approval. **Ms. Southard moved to recommend to the full Board that the seven requests for initial certification as a Nonprofit Health Organization be approved. Mr. Webb seconded. All voted in favor and the motion passed.**

Agenda Item 5b - Discussion, recommendation, and possible action regarding Nonprofit Health Organizations: Requests for biennial recertification - There were 44 applications for biennial recertification as a Nonprofit Health Organization for approval. **Ms. Southard moved to recommend to the full Board that the 44 requests for biennial recertification as a Nonprofit Health Organization be approved. Dr. Smythe seconded. All voted in favor and the motion passed.**

Agenda Item 5c - Discussion, recommendation, and possible action regarding Nonprofit Health Organizations: Cancellation of organizations certified as Nonprofit Health Organizations - There were six requests for cancellation of organizations certified as Nonprofit Health Organizations. **Mr. Webb moved to recommend to the full Board that the six Nonprofit Health Organizations be cancelled. Ms. Southard seconded. All voted in favor and the motion passed.**

Agenda Item 6 - Discussion, recommendation, and possible action regarding licensure and registration forms. Ms. Knight presented the feedback received from Texas medical schools and postgraduate training programs regarding specific language suggestions for the licensure application. The Committee directed staff to follow up with the institutions that did not respond to the request to inquire why they did not respond. After review of the feedback and discussion, the Committee directed staff to draft new questions for consideration that focus on behavioral and disciplinary issues rather than academics, and provide a draft for the Committee to review in June.

Agenda Item 7– Discussion, recommendation, and possible action regarding release of applicant packets. Mr. Freshour asked for direction from the committee regarding the release of application materials to applicants appearing before committee. The committee directed staff to look into different options for possible release of confidential information to the applicant, and bring drafts for review in June or August.

Agenda Item 8 - There being no further business, Dr. Arambula adjourned the meeting at 2:59 p.m.