



# TEXAS MEDICAL BOARD

## EXECUTIVE COMMITTEE

### Meeting Minutes

December 15, 2015

The emergency meeting was called to order at 5:50 p.m. by the George Willeford III, M.D., who appeared in person. Committee members present by telephone conference call under Tex. Gov't Code, Section 551.125, due to a reasonably unforeseen situation, were Michael Arambula, M.D., PharmD; Margaret McNeese, M.D.; Timothy Webb, J.D.; and Paulette Southard. Staff members present included Mari Robinson, J.D., Executive Director; Scott Freshour, General Counsel; and John Langley, Assistant General Counsel. Mr. Freshour confirmed, the reasons the members serving by telephone, were unable to attend the emergency meeting in person.

The emergency meeting was necessary to allow the Executive Committee of the Texas Medical Board to receive timely legal advice related to the possible appeal of the decision of the U.S. District Court, Western District of Texas, (Court) regarding *Teladoc, Inc. et.al v. Texas Medical Board, et. al*. The decision was issued by the Court on December 14, 2015. The deadline to file an appeal would expire prior to the next regularly scheduled board meeting March 2016. Additionally, the deadline to appeal is time sensitive and given the holiday season closures of the agency, it does not allow the Board's legal representative from the Attorney General's Office adequate time to prepare the required legal documents, if an appeal is approved by the Board.

**Agenda item #2, Consideration and possible action regarding *Teladoc, Inc., et.al v. Texas Medical Board, et. al* in U.S. District Court, Western District of Texas.** Ms. Robinson presented the District Court decision for *Teladoc, Inc. et.al v. Texas Medical Board, et. al*. **Dr. McNeese moved, Dr. Arambula seconded, and the motion passed to go into Executive Session at 5:53 p.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act Section 551.071, Government Code.** Open session resumed at 6:20 p.m. and it was announced that no action was taken. A certified agenda was made.

After discussion, **Mr. Webb moved, Ms. Southard seconded, and the motion passed to appeal the State Action Immunity portion of the *Teladoc, Inc. et.al v. Texas Medical Board, et.al* in U.S. District Court, Western District of Texas decision.**

**Agenda item #3, Adjourn.** Mr. Webb moved, Dr. McNeese seconded, and the motion passed to approve to adjourn at 6:22 p.m.