



Texas Medical Board

333 GUADALUPE ST. #3-102 & 780/ VIDEO CONFERENCE MEETINGS

DECEMBER 9-10, 2021

This meeting will be open to the public at the above location and will proceed by videoconference, as allowed under Texas Government Code Sec. 155.127. The location above shall have two-way audio video communication with each of the other locations during the meeting. The President or Presiding Officer of the board will be physically present at the location and room listed above.

Please note that accommodations will be available for members of the public to physically attend the meeting at the above location but will be subject to limitations set out by the Texas Facilities Commission seating. Members of the public are encouraged to attend the meeting by accessing the videoconference or audio links below.

For instructions using Microsoft Teams, please go to

<https://techhelp.tmb.state.tx.us/Documentation/Teams/Publicmeeting.aspx>

THURSDAY, DECEMBER 9, 2021 COMMITTEES

- 9:00 a.m. Executive Committee
12/09 Executive Team Link - <https://bit.ly/3mqTSkx>
Audio only call: [+1 512-596-3865,,954985283#](https://bit.ly/3mqTSkx)
- 9:05 a.m. Finance Committee
12/09 Finance Team Link - <https://bit.ly/3mqTSkx>
Audio only call: [+1 512-596-3865,,954985283#](https://bit.ly/3mqTSkx)
- 9:10 a.m. Disciplinary Process Review Committee
12/09 DPRC Team Link - <https://bit.ly/3mqTSkx>
Audio only call: [+1 512-596-3865,,954985283#](https://bit.ly/3mqTSkx)
- 9:10 a.m. Licensure Committee , Tower 2, Room 780
12/09 Licensure Team Link - <https://bit.ly/3DisFr7>
Audio only call: [+1 512-596-3865,,40701342#](https://bit.ly/3DisFr7)

FRIDAY, DECEMBER 10, 2021

- 8:00 a.m. Full Board Meeting
12/10/21 Full Board Team Link: <https://bit.ly/3uJ7BHc>
Audio only call: [+1 512-596-3865,,251469646#](https://bit.ly/3uJ7BHc)

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TEXAS MEDICAL BOARD MEETING
FRIDAY, DECEMBER 10, 2021
8:00 a.m.
333 Guadalupe St. #3-102 / Video Conference

12/10/21 Full Board Team Link: <https://bit.ly/3uJ7BHc>

Audio only call: [+1 512-596-3865](tel:+15125963865),,251469646#

1. Full Board call to order, roll call, and Mission Statement.
Our Mission is to protect and enhance the public's health, safety and welfare by establishing and maintaining standards of excellence used in regulating the practice of medicine and ensuring quality health care for the citizens of Texas through licensure, discipline, and education.
2. Board Member Report.
3. Presentation by KSTAR.
4. Consideration and possible action for dispositions below minimum guidelines.
5. Consideration and approval of Mediated Settlement Agreed Orders.
6. Consideration and possible action for Remedial Plans.
7. Consideration and possible action for Agreed Orders.
8. Consideration and approval of Modification Request/Termination Request Orders.
9. Consideration and approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders.
10. Consideration and approval of Cease and Desist Orders.
11. Consideration and approval of Nunc Pro Tunc Orders.
12. Consideration and approval of Agreed Resolution Orders.
13. Consideration and approval of Consent Orders.
14. Consideration and approval of Revised, Vacated, or Amended Orders.
15. Consideration and approval of Orders to Show Cause.
- Agenda item #16 at 8:30 a.m.**
16. Consideration and approval of Determination of Default.
 - a. Darrell Jay Franks, MD, SOAH #503-21-3460.MD
17. Consideration and approval of Proposal for Decision.

18. Consideration and possible action regarding PHP policy for participant use of cannabis and products containing THC.
19. Executive Director Report.
 - Board Graphic
 - Budget Update
 - Internal Audit Update
 - Complaints Against the Agency
 - COVID-19 Update
 - Compact Update
 - Email migration
20. Medical Director Report.
21. Public Information Update.
22. Report Physician Assistant Liaison.
23. Consideration and possible action regarding pending litigation.
24. Report on Temporary Suspension Hearings.
25. Report on Motion for Rehearing Requests.
26. Report on Suspensions by Operation of Law.
27. Report on Cease and Desist Orders approved by Executive Director.
28. Report on Automatic Revocation Letters by Executive Director.
29. Report on Automatic Orders.
30. Report of Cancellations regarding Investigations.
31. Discussion, recommendation, and possible action regarding proposed rule amendments to 22 T.A.C.
32. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C.
33. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C. Chapter 183. Acupuncture.
34. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C. Chapter 185. Physician Assistants.
35. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C. Chapter 194. Medical Radiologic Technology.

36. Discussion, recommendation, and possible action regarding adoption of propose rule amendments to 22 T.A.C. Chapter 186, Respiratory Care.
37. Discussion, recommendation, and possible action regard rule review to 22 T.A.C., Part 9, Texas Medical Board.

Agenda Item #38 not before 9:00 a.m.

38. Open Forum for Public Comment
39. Discussion, recommendation, and possible action relating to personnel matters.
40. Adjourn.

CONSENTAGENDA

Discussion/Action Items – to be considered at any time the full board is in session:

1. Consideration and approval of the October 15, 2021 Medical Board Meeting Minutes and action items.
2. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

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Executive Session:

The Board may close the meeting to the public and continue in executive session for the following reasons:

- *Deliberations 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.
- *Deliberations concerning disciplinary action, investigative information, peer review information, and possible rehabilitation orders under the authority of The Medical Practice Act Sections 152.009, 160.006-160.008, 164.007(c), and 165.202-165.203, Occupations Code.
- *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.
- *Deliberations concerning personnel matters under the authority of the Open Meetings Act Section 551.074, Government Code.

While in executive session, the Board will 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.

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Persons requiring special accommodations, including the use of an interpreter, due to a disability should contact Laura Fleharty at the Board office phone 512-305-7174 or laura.fleharty@tmb.state.tx.us at least five (5) working days prior to the Board meeting.