



# Texas Medical Board

BOARD MEETING  
JUNE 3, 2011  
333 GUADALUPE, TOWER 2, SUITE 225  
AUSTIN, TEXAS

The meeting was called to order on June 3, 2011 at 8:05 a.m. by Board President Irvin E. Zeitler, Jr., D.O. Board members present were Melinda McMichael, M.D., Vice-President; Timothy J. Turner, Secretary/ Treasurer; Michael Arambula; Julie Attebury; David Baucom; Patricia Blackwell; Pat J. Crocker, D.O.; John D. Ellis, Jr., J.D.; Manuel Guajardo, M.D.; J. Scott Holliday, D.O.; Margaret McNeese, M.D.; Allan N. Shulkin, M.D.; Wynne M. Snoots, M.D.; Paulette B. Southard; Timothy Webb, J.D.; and Stanley S. Wang, M.D., J.D. George Willeford III, M.D. arrived at 11:10 a.m. Timothy Webb arrived at 11:32 a.m. Board staff present were Mari Robinson, Executive Director; Linda Gage-White, M.D., Medical Director; Nancy Leshikar, J.D., General Counsel; Jaime Garanfio, Director of Licensure; Megan Goode, Public Information and Special Projects Manager; Jennifer Kaufman, Assistant General Counsel; Suzanne Mitchell, Assistant General Counsel; and various other staff.

Dr. Wang read the boards mission statement into the minutes. *Our Mission is to protect and enhance the publics 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.*

## **Agenda item #2, Board Member Report.**

**Introduce new board member.** Dr. Zeitler introduced and welcomed new board member, Stanley S. Wang, M.D., J.D.

New committee assignments for board members were announced.

**Agenda item # 3, Nomination and election of board officers. Dr. McNeese nominated Dr. McMichael for Vice-President, Mr. Turner seconded, and the motion passed by acclamation to approve Dr. McMichael as Vice- President.**

**Dr. Holliday nominated Mr. Turner for Secretary/Treasurer. Ms. Southard moved, Dr. Shulkin seconded, and the motion passed by acclamation to approve Timothy Turner as Secretary/Treasurer.**

## **Agenda item #4, Executive Director Report.**

**Electronic death certificates update.** Ms. Robinson reported that without further legislative direction the registration of electronic death certificates would be enforced. The board directed staff to prepare a website FAQ with a link to the registration site for electronic death certification.

After discussion, the board requested staff research and provide information regarding accreditation for continuing medical education at a future board meeting.

**Comptrollers exposure of three database files.** Ms. Robinson notified the board that the Comptrollers Office had a breach of its database files. The Comptroller is contacting persons by letter, whose information may have been exposed. Additional information is available on the Comptrollers website.

**Budget update.** Ms. Robinson presented the budget report of the General Revenue and General Revenue Dedicated (Combined) FY2011 through May 31, 2011.

**Legislative update.** Ms. Robinson gave a legislative update. She reported that stakeholder groups will be scheduled to provide input for rules that will be subject to change to address new legislation requirements.

#### **Agenda item #5, Medical Director Report**

**Electronic medical records.** Dr. Gage-White reported on the April Federation meeting. The next annual Federation meeting will be in Dallas. Dr. Gage-White reported on the increase use of electronic medical records by physicians.

Dr. Gage-White requested the boards assistance in the solicitation of chart monitors for obstetrics-gynecology and orthopedics.

**Agenda item #6, at 8:45 a.m., Presentation, discussion, and possible action regarding physician coaching.** David Teegarden, M.D., M.S., and John McCracken, PhD, gave a presentation on the benefits of physician coaching. After discussion, the board directed staff to research a pilot program for physician coaching.

Agenda item #7, Discussion, recommendation, and possible action regarding penalty guidelines was pulled for discussion in August.

**Agenda item #8, Discussion, recommendation, and possible action regarding Chiropractic rules.** Ms. Mitchell presented an update on the Chiropractic rules. After discussion, the board noted that it presently has no concerns with the rules under discussion, and directed Ms. Mitchell to continue provide status reports.

**Agenda item #9, Discussion, recommendation, and possible action regarding physician assistant owned clinic.** Ms. Robinson notified the board there was pending legislation that would require the rulemaking process to address physician assistant owned clinics.

**Agenda item #10, Discussion, recommendation, and possible action regarding standing delegation orders for cosmetic procedures that include the use of prescription medications.** Ms. Leshikar reported receiving a number of questions regarding who can administer Botox. After discussion, the board set the matter pending for discussion later in the meeting.

Agenda items #11 through 26 were deferred to later in the meeting.

**Agenda item #27 at 9:45 a.m. Consideration and Approval of Proposal for Decision regarding Paul Edward Jackson, M.D., SOAH #503-09-4534.** Paul Edward Jackson, M.D., was not present. Scott Freshour was present and gave a presentation. After discussion, **Dr. McMichael moved, Ms. Southard seconded, and the motion passed to adopt the Findings of Fact, Conclusion of Law of the Administrative Law Judge in the Proposal for Decision and approve the Final Order for revocation of Dr. Paul Edward Jacksons license.**

**Agenda item #28 at 10:00 a.m. Consideration and Approval of Remand of Amended Final Orders.** Andrew William Campbell, M.D. Dr. Campbell and his attorney, Ace Pickens were present

and agreed to start at 9:55 a.m. Scott Freshour, staff attorney, was present. Mr. Pickens gave a presentation. Mr. Freshour gave a presentation. After discussion, **Dr. McMichael moved, Mr. Turner seconded, and the motion passed to go into Executive Session at 10:30 a.m. for 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, and 164.007(c) Occupations Code.** Open session resumed at 10:40 a.m. and it was announced that no action was taken. A certified agenda was made.

After discussion, **Mr. Turner moved, Ms. Southard seconded, and the motion passed to approve the Remand Amended Final Order for Andrew William Campbell, M.D., with the modification to allow for the \$64,000 administrative penalty to be paid in monthly payments for three years after the period of suspension is concluded.**

**Agenda item #29 at 10:30 a.m., Discussion, recommendation, and possible action regarding physician licensure applicants appearing concerning eligibility.** Dr. Crocker was recused. **Dr. McMichael moved, Ms. Southard seconded, and the motion passed to go into Executive Session at 10:45 a.m. for 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.** Open session resumed at 12:14 a.m. and it was announced that no action was taken. A certified agenda was made.

**Applicant #928** appeared with counsel, before the Board, in executive session, on referral by the Licensure Committee. After discussion in open session, **Dr Snoots moved that the applicant be determined ineligible for licensure.** This recommendation is due to unprofessional or dishonorable conduct likely to deceive, defraud or injure the public; inability to safely practice medicine due to a mental health condition; failure to practice medicine in an acceptable manner consistent with public health and welfare; disciplinary action by health care entity based on unprofessional conduct or professional incompetence likely to harm the public; prior disciplinary action by TMB; disciplinary action taken by other state medical boards; and time out of the active practice of medicine. Factors contributing to this recommendation include that the applicant was arrested in 2003 for criminally negligent homicide; in 2001, the applicants hospital privileges were suspended due to the applicants failure to meet the standard of care in the treatment of a terminal patient; in 2002, the TMB temporarily suspended the applicants license due to standard of care violations and subsequently revoked the applicants license in 2003 based on the applicants failure to meet the standard of care in the treatment of a terminal patient; in 2006, the Pennsylvania medical board revoked the applicants license based on the TMB revocation; the applicant has not actively practiced medicine since August 2002; and the applicant was diagnosed with Narcissistic Personality Disorder that has adversely impacted patient care. **Further, Dr. Snoots moved that upon receipt within one year of an application for a physician in training permit (PIT), that the applicant be granted a PIT subject to the following conditions: the training must be for a one-year period in a training program approved by the executive director. Mr. Webb seconded the motion and the motion was approved.** This recommendation is based on the KSTAR assessment recommending additional training to address competency issues.

**Agenda item #30 at 11:30 a.m., Presentation, discussion, and possible action on adult autologous stem cells.** Dr. Stanley Jones gave a presentation on adult autologous stem cells. After discussion, the board directed staff to schedule a stakeholder meeting for input to develop proposed guidelines for the use of autologous stem cells.

**Agenda item #31 at 12:30 p.m., Discussion, recommendation and possible action relating to the following board rules in 22 TAC:**

- 1. 172.16, Provisional Licenses for Medically Underserved Areas.**

2. 173.1, Profile Contents.
3. 190.8, Violation Guidelines.
4. 195.2, Certification of Pain Management Clinics,
5. 195.4, Operation of Pain Management Clinics.
6. 199.4, Charges for Copies of Public Records

No one signed-in to present oral comments. No written comments were received. After discussion, Ms. Southard moved, Mr. Webb seconded, and the motion passed to adopt the proposed rules for publication in the Texas Register.

**Agenda item #32, Discussion, recommendation and possible action regarding proposed rule changes to 22 T.A.C. Chapter 183, Acupuncture.**

1. 183.20, Continuing Acupuncture Education
2. 183.24, Procedure

No one signed-in to present oral comments. No written comments were received. After discussion, McNeese moved, Ms. Southard seconded, and the motion passed to adopt the proposed rules for publication in the Texas Register.

**Agenda item #33, Public comments.** No one signed in to present public comments.

**Agenda item #10, Discussion, recommendation, and possible action regarding standing delegation orders for cosmetic procedures that include the use of prescription medications.** After discussion, the board directed staff to schedule a stakeholder meeting for input relating to the delegation of cosmetic procedures.

**Agenda item #11, Consideration and possible action regarding pending litigation.** Ms. Leshikar gave a report of pending litigation.

**Agenda item #12, Consideration and Approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders.** After discussion, Dr. McMichael moved, Ms. Southard seconded, and the motion passed to approve the Modification Granted of Rehabilitation Order #625; Termination Granted of Rehabilitation Orders #468, #548, and #559; and Modified Agreed Rehabilitation Orders #410 and #608, as written.

**Agenda item #13, Consideration and Approval of Agreed Board Orders.** After discussion, Dr. Holliday moved, Ms. Southard seconded, and the motion passed to approve the Agreed Board Order for Orval E. Brown, M.D., with the modification to add eight hours of CME in post operation complications in pediatric otolaryngology due to concerns of lack of knowledge of potential complications and inadequate medical records for a pediatric surgery patient.

Dr. Wang was recused during the deliberation for Dr. Richard B. Hartin, Jr., and Scott P. Liggett, M.D. Ms. Attebury was recused during the deliberation for Ali Moussaoui, M.D. After discussion, Ms. Southard moved, Dr. McMichael seconded, and the motion passed to approve the Agreed Board Orders en masse for: Dan Joachim, M.D.; William A. Andrews, M.D.; James Caddell, D.O.; Denise R. Greenwood, M.D.; Richard B. Hartin, Jr., M.D.; Jacobo M. Mendez, M.D.; Linda E. Norton, M.D.; Morris K. Patterson, Jr., M.D.; Jerry L. Laster, M.D.; Sudhir Madisetty, M.D.; James L. Slayton, M.D.; Benjamin Supnet, M.D.; Laura A. Barber, M.D.; Robert E. Cantu, M.D.; Wilburn E. Furniss, II, M.D.; Greta P. Herndon, M.D.; Scott P. Liggett, M.D.; Ali M. Moussaoui, M.D.; Federico P. Padua, M.D.; Venkat R. Akkanti, M.D.; Rhonda L. Anderson, M.D.; Michael T. Balch, M.D.; William M. Bond, M.D.; Lilette Daumas-Britsch, M.D.; Carl C. Davis, M.D.; Phu M. Do, M.D.; Owen B. Ellington, M.D.; Yemi Fasakin, M.D.; David K.

**Hagstrom, M.D.; Jack F. Hardwick, M.D.; Bruce Henry, M.D.; Henry H. Herrera, M.D.; Welton Hill, M.D.; Doan K. Nguyen, M.D.; Stephen B. O'Neil, M.D.; Fred L. Perez, M.D.; Hoang Phan, M.D.; Vijaya K. Rasamallu, M.D.; Diego Rivera, M.D.; Anthony W. Shallin, M.D.; Charles B. Simpson, M.D.; Matt Sloan, M.D.; Vernon F. Williams, M.D.; Armando Chavez, M.D.; Victor L. Cobos, M.D.; Ralph Nimchan, M.D.; Russell R. Roby, M.D.; Thomas Salzer, M.D.; Harry T. Weaver, M.D.; Daniel S. Chen, M.D.; Donald W. Smith, M.D.; James A. Facello, D.O.; Shayna P. Lee, M.D.; Rick A. Szumlas, M.D.; Michael D. Smith, M.D.; and James J. Galizia, M.D., as written**

**Agenda item #14, Consideration and Approval of Modification Request/Termination Request Orders.** After discussion, Ms. Southard moved, Ms. Blackwell seconded, and the motion passed to approve the Modification Request Orders for Wesley A. Alderete, M.D.; Robert M. Bowers, M.D.; Jennifer M. Moss, M.D.; Francisco B. Saucedo, M.D.; James S. Jones, M.D.; and the Termination Request Orders for Harold F. Adelman, M.D.; Richard C. Bang, M.D.; T. Sean Fitzpatrick, M.D.; Paul E. McLean, M.D.; Alan C. Nelsen, M.D.; Alex M. Su, M.D.; Horatio S. Taveau IV, D.O.; Christopher P. Thompson, M.D.; Benjamin S. Zertuche, M.D.; and Volker H. Gressler, M.D., as written.

**Agenda item #15, Consideration and Approval of Nunc Pro Tunc Orders.** After discussion, Ms. Southard moved, Mr. Webb seconded, and the motion passed to approve the Nunc Pro Tunc Orders for Howell E. Davis, D.O., and Ramon Reyes-Almodovar, M.D., as written.

**Agenda item #16, Consideration and Approval of Mediated Settlement Agreed Orders.** After discussion, Dr. McMichael moved, Ms. Southard seconded, and the motion passed to approve the Mediated Settlement Agreed Order for Emanuel M. Nwora, M.D., and Paul J. Parkey, M.D.

There were no items for Agenda item #17.

**Agenda item #18, Consideration and Approval of Corrective Orders.** After discussion, Ms. Southard moved, Ms. Blackwell seconded, and the motion passed to approve the Corrective Orders for William Boylston, M.D.; Edward Kolkebeck, M.D.; Ricardo A. Aviles, M.D.; Joyce E. Egbe, M.D.; Amy C. Farmer, M.D.; Andrew F. Campbell, M.D.; Marco Florez, M.D.; Ramesh R. Parikh, M.D.; David C. Riedel, M.D.; Gregory Rohn, M.D.; Jose I. Sosa, M.D.; and Jaggarao S. Nattama, M.D., as written.

There were no items for Agenda items #19-#20.

**Agenda item #21, Report on Temporary Suspension hearings.** Reports were presented on the results of the Temporary Suspension hearings for: Rosemary Ann Stogre, M.D. (Without Notice); Alliance Treatment Center, LLC PMC-00297; South Houston Treatment Center, LLC PMC-00298; Rick Szumlas (With Notice); Uma Gullapalli (Without Notice); Winrock Medical Clinic PMC-00118; Houston Pain & Rehab Clinic PMC-00140; David J. Jacoby, M.D. (Without Notice); The Oaks Medical Clinic, Inc. PMC-00103; Imed Clinic, Inc. PMC-00104; Preferred Medical Clinic PMC-00102; Rosemary Ann Stogre, M.D. (With Notice); South Houston Treatment Center, LLC PMC-00298; and Umat Clinic, LLC PMC-00105.

There were no items for Agenda items #22-26.

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

1. **Consideration and approval of the April 8, 2011 Board Meeting Minutes. Mr. Turner moved, Ms. Southard seconded, and the motion passed to approve the February 4, 2011 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.**

Mr. Turner gave a report of the Licensure Committee. **Mr. Turner moved, Ms. Southard seconded, and the motion passed to approve the Licensure Committee minutes and action items.**

Dr. Zeitler gave a report of the Disciplinary Process Review Committee. **Dr. Crocker moved, Ms. Blackwell seconded, and the motion passed to approve the Disciplinary Process Review Committee minutes and action items with the correction that Log 10-6405 should be scheduled for an Informal Settlement Conference.**

Ms. Attebury gave a report of the Finance Committee. **Mr. Webb moved, Ms. Southard seconded, and the motion passed to approve the Finance Committee and action items.**

Dr. Crocker gave a report of the Ad Hoc Committee for Advertising. **Dr. Crocker moved, Ms. Southard seconded, and the motion passed to approve the Ad Hoc Committee for Advertising minutes and action items.**

Dr. Zeitler gave a report of the Executive Committee. **Mr. Turner moved, Ms. Southard seconded, and the motion passed to approve the Executive Committee minutes and action items.**

There being no further agenda items, the meeting adjourned at 2:45 p.m.