



Texas Medical Board

BOARD MEETING
333 GUADALUPE, TOWER 2, SUITE 225
AUSTIN, TEXAS
DECEMBER 3-4, 2015

The meeting was called to order on December 3, 2015 at 2:30 p.m. by Michael Arambula, M.D., Board President. Board members present were: Michael Arambula, M.D., Pharm.D., President; George Willeford III, M.D., Vice-President; Julie Attebury; Frank S. Denton; John D. Ellis, Jr., J.D.; Carlos L. Gallardo; John R. Guerra, D.O.; J. Scott Holliday, D.O.; Margaret McNeese, M.D.; Allan Shulkin, M.D.; Robert B. Simonson, D.O.; Karl W. Swann, M.D.; Surendra K. Varma, M.D.; Stanley S. Wang, M.D.; and Timothy Webb, J.D. Board members absent were Paulette Southard, Secretary/Treasurer; David Baucom, Manuel G. Guajardo, M.D. and Wynne M. Snoots, M.D. Board staff present were Mari Robinson, J.D., Executive Director; Robert Breidt, M.D., Medical Director, Scott Freshour, J.D., General Counsel; Monique Johnston, Licensure Manager and various other staff.

Agenda item #2, Consideration and approval of Proposal for Decisions at 2:30 p.m.

Sonia Hernandez, D.O., SOAH #503-13-3350. DO. Mr. Freshour gave a procedural overview. Heather Pierce, J.D., staff attorney, was present. Sonia Hernandez, D.O., was present. No one was present representing Dr. Hernandez. Dr. Hernandez gave a presentation. Ms. Pierce gave a presentation. Dr. Hernandez gave a brief statement. After discussion, **Mr. Gallardo moved, Mr. Denton seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Sonia Hernandez, D.O., and to approve the staff's suggested final order, and to make a final determination that applicant Sonia Hernandez D.O., is ineligible for a Texas Medical License.**

Roque Ramirez, M.D., SOAH #503-15-3319.MD. Mr. Freshour gave a procedural overview. Hugh Spires, J.D., staff attorney was present. Roque Ramirez, M.D., was not present. No one was present representing Dr. Ramirez. Mr. Spires gave a presentation. After discussion, **Mr. Denton moved, Mr. Gallardo seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Roque Ramirez, M.D., and to adopt the staff's suggested final order for revocation.**

Thomas G. Easter II, M.D., SOAH #503-14-2656.MD. Item pulled from the agenda.

Aldon B. Williams, M.D., SOAH #503-14-1339.MD. Mr. Freshour gave a procedural overview. Lee Bukstein, J.D., staff attorney, was present. Aldon B. Williams, M.D., was present with attorneys Tim Weitz, J.D. and Jeff McDonald, J.D. Mr. Bukstein gave a presentation. Mr. Weitz gave presentation. Mr. Bukstein declined to present a brief rebuttal. After discussion, **Dr.**

Varma moved, Mr. Gallardo seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Aldon B. Williams, M.D., and to approve the staff's suggested final order filed by Board staff for dismissal.

Joseph M. Megwa, M.D., SOAH #503-15-1917. MS. Mr. Freshour gave a procedural overview. Margie Johnson, J.D., staff attorney, was present. Joseph M. Megwa, M.D., was not present. No one appeared representing Dr. Megwa. Ms. Johnson gave a presentation. After discussion, **Mr. Gallardo moved, Dr. Varma seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Joseph M. Megwa, M.D., and to adopt the staff's suggested final order for revocation.**

The meeting recessed at 3:07 p.m.

The meeting was reconvened December 4, 2015 at 8:00 a.m. by Michael Arambula, M.D., PharmD, President. Board members present were: George Willeford III, M.D., Vice-President; Julie Attebury; Frank S. Denton; Carlos L. Gallardo; John R. Guerra, D.O.; J. Scott Holliday, D.O.; Margaret McNeese, M.D.; Allan Shulkin, M.D.; Robert B. Simonson, D.O.; Karl W. Swann, M.D.; Surendra K. Varma, M.D.; Stanley S. Wang, M.D. and Timothy Webb, J.D. Board member John D. Ellis Jr., J.D. arrived a few minutes after roll call. David Baucom; Manuel G. Guajardo, M.D.; Wynne M. Snoots, M.D.; and Paulette Southard Secretary/Treasurer were not present. Board staff present were Mari Robinson, J.D., Executive Director; Robert Brecht, M.D., Medical Director, Scott Freshour, J.D., General Counsel; Monique Johnston, Licensure Manager; and Megan Goode, Governmental Affairs & Communications Manager, and various other staff.

Agenda item #1, Mission Statement. Dr. Arambula read the board's mission statement into the minutes. *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.*

There were no items for Agenda item #2

Agenda item #3, Executive Director Report.

Budget. Ms. Robinson reported the budget remains stable and on track. A significant reduction in biennial collections and increase in funding associated with the four additional license types transferred to TMB were noted.

Legislative Update. Ms. Robinson reported on the ongoing risk assessment to identify proposed FY 16 Internal Audit topics. An update on the implementation of SB202 was given and it was reported that the majority of the implementation will occur by January 2016. It was also reported that in April 2016 staff would begin state strategic planning as well as undergo Sunset evaluation.

Outreach Update. The completed 2015 Outreach schedule was presented. TMB staff is in the process of having the agency's outreach update presentation recognized as Category I CME through the Federation of State Medical Boards. It was reported that Outreach presentations were presented to the majority of first year medical students. The next offer for Outreach presentations will be sent in January 2016. Ms. Robinson also reported the possibility of online CME with a projected date in 2017.

Agenda item #4, Medical Director Report. Dr. Bredt gave an update on additional staff hired to assist with quality reviews for the medical expert reports. Dr. Bredt requested that the board members contact him with suggestions of anyone in the four new license types that would be interested to serve as experts.

Agenda item #5, Public Information Update. Ms. Goode recapped the Public Information Committee Meeting.

Agenda item #6, Report Physician Assistant Liaison. Mr. Cooper, Physician Assistant liaison gave an update on changes made to the Physician Assistant Board, which resulted in an increase from 7 to 13 members.

Agenda item #7, Discussion, recommendation, and possible action regarding a criminal history of licensees transferred from DSHS. Ms. Robinson gave background information on how criminal histories are evaluated and a description of guidelines/criteria to be applied to the new license types with regard to criminal history. After discussion, the board directed staff to go forth with the criteria for evaluations used for current applicants/licensees with the following changes: seven years for any misdemeanor of moral turpitude, to include any domestic violence and sexual related offences related to a child; failure to report abuse (child or elder). These criteria will be for everyone who has already been licensed.

Agenda item #8, Discussion, recommendation, and possible actions regarding guidelines for public comments. Ms. Robinson gave a brief summary on six proposed guidelines for public comments. Mr. Webb recommended that instead of "guidelines" they should be called "standards" for public comments. The board made suggestions for additional guidelines. Dr. Denton suggested an additional guideline that allows the board chair to have the authority to adjust the guidelines. After further discussion, **Dr. Varma moved and Ms. Attebury seconded a motion to approve the guidelines as presented. Mr. Webb moved, Dr. Willeford seconded, and a friendly amendment passed to change the word "guidelines" to "standards." Dr. Varma opposed the friendly amendment. A vote was taken and the original motion with the friendly amendment passed to approve the guidelines with the friendly amendment to change "guidelines" to "standards."**

Agenda item #9, Consideration and possible action regarding pending litigation. Dr. Willeford moved, Mr. Gallardo seconded, and the motion passed to go into Executive Session at 8:59 a.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

9:25 a.m. and it was announced that no action was taken. A certified agenda was made. Mr. Freshour gave a report on the remand order regarding Dr. Hawkins for revocation. After discussion, **Dr. Willeford moved, Ms. Attebury seconded, and the motion passed to redraft the revocation order with aggravating factors that support the revocation order then bring back for ratification.** Mr. Freshour provided the Board with an update regarding current pending litigation and open records requests involving the Board

The board recessed at 9:30 a.m.

The board reconvened at 9:40 a.m. A quorum was confirmed.

Agenda item #10, Consideration and approval of Modification Request of Non-Public Rehabilitation Orders. After consideration, **Mr. Webb moved, Dr. McNeese seconded, and the motion passed to approve the Non-Public Modification Granted of Rehabilitation Order #629.**

Agenda item #11, Consideration and approval of Modification Request/Termination Request Orders. After discussion, Mr. Gallardo moved, Dr. Arambula seconded, and the motion passed to deny the Termination Granted Order for #4. After discussion, a verbal vote was taken identifying each board member by name. The motion failed. After consideration, **Dr. Varma moved, Mr. Gallardo seconded, and the motion passed to approve the Orders Granting Termination for Christian S. Lewis, Jr. M.D.; Natascha Dumas M.D.; Carlos A. Herrera, M.D.; David I. Howie, M.D; Cynthia Ketterer M.D.; John A. Osborne, M.D; Aaron G. Purdy M.D; G.K. Ravichandran M.D.; the Orders Denying Termination for Jimmie D. Bussey M.D.; Monica Clark-Reed M.D; Ronald M. Pucillo M.D. and Robert A. Woodward M.D.; the Orders Granting Modification for Mauricio E. Jimenez M.D. and Steven H. Farber M.D.; and the Modification Request Denied Orders Daniel L. Howell Jr. M.D. and Richard Kondejewski M.D. as presented.**

Agenda item #12, Consideration and possible action for Agreed Board Orders. After consideration, **Mr. Gallardo moved, Dr. Wang seconded, and the motion passed to approve the Remedial Plan with the modification to add chart monitoring for four cycles and a \$3000 penalty for #23. The motion failed. Dr. Shulkin recused himself from #5, #36 and #39.** After consideration, **Mr. Gallardo moved, Ms. Attebury seconded, and the motion passed to approve the Agreed Orders en masse for: Sharon L. Iglehart M.D; William H. Kloss M.D.; Keith K. Ly D.O; Nirmal K.Mazumdar M.D.; Forrest C. Brown M.D.; Michael J. Gannon M.D.; Garrett L.Merriman M.D.; Barbara M. Pinson M.D.; Patricio T. Villarreal M.D.; Erika I. Zimmerman M.D.; Olurotimi A. Ashaye M.D.; Thomas D. Cherry M.D.; Toseef Khan M.D.; Andrew M. Psyk M.D.; Christopher K. Spillers M.D.; Rafael L. Berio-Muniz M.D.; Harold H. Fain Jr. M.D.; William N. Hawkings M.D.; Russell W. Hohlt M.D.; Shaun B. Kelehan M.D.; Ramiro Leal M.D.; Luis E. Linan M.D.; Rafael Parra M.D.; Terry W. Springer M.D.; Michael D. Williams M.D.; Norman L. Wulfsohn M.D.; Ambrose Aboud M.D.; Shane C. Driggs M.D.; Jewel A. Giacona M.D.; Juan F. Loya M.D.; Marelyn Medina M.D.; James R. Motlagh M.D.; Federico R. Ng M.D.; Anthony P. Nikko M.D.; Benedict Olusola M.D.; Richard M. Rembecki M.D.; Luciano Sarabosing Jr. M.D.; Kevin J. Shelton M.D.; Theresa A. Whitt M.D.; Kelley E. Moon M.D.; John E. Halberdier M.D.; Donald W.**

Ferguson II M.D.; Jennifer Armstrong M.D.; Maria S. Blahey M.D.; Ralph A. Brooks M.D. and Jose A. Matus M.D., as presented.

After discussion, Agenda item #12, Agreed Board Orders #39 and 46 were deferred to later in the meeting

Agenda item #13, Consideration and approval of Mediated Settlement Agreed Orders .After discussion, Ms. Attebury moved, Mr. Gallardo seconded, and the motion passed to approve the Mediated Settlement Agreed Orders en masse for Jerry W. Biddix M.D; Richard E. Sofinowski M.D.; Alexandria E. Rudd M.D.; Michael A. McFarland M.D.; Alireza Atef-Zafarmand M.D. and Harrish Chandna M.D.

Agenda item #14, Consideration and approval of Remedial Plans. After consideration, Mr. Gallardo moved, Ms. Attebury seconded, and the motion passed to approve Remedial Plan for #23 with the modification to add four additional hours of CME. After consideration, Ms. Attebury moved, Mr. Gallardo seconded, and the motion passed to approve the following Remedial Plans en masse for: Lynn Buchanan D.O; David Fuentes M.D.; Randall Hays M.D.; Jessica A. Hudson M.D.; N.T. Jariwala M.D.; Joseph H. Kay Jr. M.D.; Carey J. Lindemann M.D.; Poonam M. Manasa M.D.; Winston S. Marshall M.D.; Neelima Narreddy M.D.; Robert C. Newberry M.D.; Joseph C. Perkinson III M.D.; Emily R. Pineda M.D.; Makeswaran Seenivasagm M.D.; Sheila L. Tecson M.D.; Daniel O. Thompson III M.D.; Barbara S. Van Eeckhout M.D.; Luis D. Acosta M.D.; Jeffrey D. Durgin M.D.; Martin E. Gilliland M.D.; John F. Gilmore M.D.; Terry A. Grover M.D.; Stephan O Haas M.D.; Eddie P. Kemper M.D.; John A. Mason Jr M.D.; R.J. Phillips D.O.; Brian C. Procter M.D.; Naveen Ramineni M.D.; Sammy C. Vick M.D.; Henry W. Weisman M.D.; Frank J. Battaglia M.D.; David T. Tharp M.D. and Michael S. Tran M.D.

After discussion, Agenda item #14, Consideration of Remedial Plans #35 and #36 was deferred to later in the meeting.

Agenda item #27 at 10:30 a.m. Consideration and approval of Proposal for Decisions: Don O’Neal, M.D.; SOAH # 503-14-4849. Susan Rodriguez, J.D., staff attorney was present. Don O’Neal, M.D., was present. Jeffrey Henry appeared representing Dr. O’Neal. Ms. Rodriguez gave a presentation. Mr. Henry gave a presentation. Ms. Rodriguez gave a brief rebuttal presentation. Dr. O’Neil gave a presentation. Dr. Holliday moved, Mr. Gallardo seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge in the Proposal for Decision and to approve the staff’s suggested Final Order.

There were no items for Agenda item #28.

Agenda item #29 at 11:00 a.m., Discussion, recommendation, and possible action regarding the adoption of proposed amendments and rule review to 22 Texas Administrative Code:

- a. Chapter 163, Licensure
 - §163.1 Definitions (Licensure)
 - §163.2 Alternative License Procedures

Ms. Pajak gave a brief summary. No written comments were received and no one signed in to present oral comments. **Dr. Varma moved, Mr. Webb seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. §163.1 Definitions and §163.2 Full Texas Medical License for publication in the Texas Register.**

b. Chapter 165, Medical Records

§165.6 - Medical Records Regarding an Abortion on an Unemancipated Minor.

Mr. Blech gave a brief summary. No written comments were received and no one signed in to present oral comments. **Mr. Gallardo moved, Dr. Simonson seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §165.6 Medical Records Regarding an Abortion on an Unemancipated Minor for publication in the Texas Register.**

c. Chapter 166, Physician Registration

§166.1 Physician Registration

§166.2 Continuing Medical Education

Ms. Pajak gave a brief summary and summary of written comments received. No one signed in to present oral comments. **Dr. Varma moved, Mr. Gallardo seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §166.1 Physician Registration and §166.2 Continuing Medical Education for publication in the Texas Register.**

d. Chapter 171, Postgraduate Training Permits

§171.5 Duties of PIT Holders to Report

Ms. Pajak gave a brief summary. No written comments were received and no one signed in to present oral comments. **Dr. Varma moved, Mr. Gallardo seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §171.5 Duties of PIT Holders to Report and publication in the Texas Register.**

e. Chapter 172, Temporary and Limited Licenses

§172.5 Visiting Physician Temporary Permit

Ms. Pajak gave a brief summary. Presented written comments and no one signed in to present oral comments. **Dr. Varma moved, Dr. McNeese seconded, and the motion passed to adopt the proposed amendments and rule review with the non-substantive changes as outlined by Ms. Pajak to 22 T.A.C. §172.5 Visiting Physician Temporary Permit and publication in the Texas Register.**

f. Chapter 175, Fees and Penalties

§175.3 Penalties

§175.4 Fee Exemption for Military Service Member, Military Veteran, or Military Spouse

Ms. Pajak gave a brief summary. No written comments were received and no one signed in to present oral comments. **Mr. Gallardo moved, Dr. McNeese seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §175.3 Penalties and §175.4 Fee Exemption for Military Service Member, Military Veteran, or Military Spouse and publication in the Texas Register.**

g. Chapter 178, Complaints,

§178.3 Complaint Procedure Notification

Ms. Tuthill gave a brief summary. No written comments were received and no one signed in to present oral comments. **Ms. Attebury moved, Dr. Varma seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §178.3 Complaint Procedure Notification and publication in the Texas Register.**

h. Chapter 183 Acupuncture
§183.14 Acudetox Specialist

Ms. Pajak gave a brief summary. No written comments were received and no one signed in to present oral comments. **Ms. Attebury moved, Mr. Gallardo seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §183.14 Acudetox Specialist and publication in the Texas Register.**

i. Chapter 184, Surgical Assistants
§184.2 Definitions (Surgical Assistants)
§184.4 Qualifications for Licensure (Surgical Assistants)
§184.6 Licensure Documentation (Surgical Assistants)
§184.8 License Renewal (Surgical Assistants)
§184.21 Impaired Surgical Assistants
§184.25 Continuing Education (Surgical Assistants)

Ms. Pajak gave a brief summary. No written comments were received and no one signed in to present oral comments. **Dr. Varma moved, Mr. Gallardo seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §184.2, §184.4, §184.6, §184.8, §184.21 and §184.25 and publication in the Texas Register.**

j. Chapter 187, Procedural Rules,
§187.35 (Subchapter D) Presentation of Proposal for Decision,
§187.37 (Subchapter D) Final Decisions and Orders,
§187.38 -(Subchapter D) Motions for Rehearing,
§187.85 (Subchapter J) Purpose and Construction,
§187.86 (Subchapter J) Scope,
§187.87 (Subchapter J) Definitions,
§187.88 (Subchapter J) Complaint Process and Resolution,
§187.89 (Subchapter J) Notice of Availability of Mandatory Mediation.

Ms. Tuthill gave a brief summary. Presented written comments on §187.86, §187.87, §187.88 and §187.89 and no one signed in to present oral comments. **Mr. Gallardo moved, Ms. Attebury seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §187.35, §187.37, §187.38, §187.85, §187.86, §187.87, §187.88 and §187.89 for publication.** The board directed staff to research the issues as brought by TMA and bring proposed revisions back to the board for 187.86, 187.87, 187.88 and 187.89, if appropriate.

k. Chapter 189, Compliance Program,
§189.16 Monitoring, Proctoring, or Supervising Physician/Professional's Recommendation for Competency Assessment (new section).

Ms. Tuthill gave a brief summary. Presented written comments and no one signed in to present oral comments. **Dr. Willeford moved, Mr. Webb seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §189.16 Monitoring, Proctoring, or Supervising Physician/Professional’s Recommendation for Competency Assessment and publication in the Texas Register.**

l. Chapter 195, Pain Management Clinics,
§195.1 Definitions.
§195.2 Certification of Pain Management Clinics.

Mr. Blech gave a brief summary. No written comments were received and no one signed in to present oral comments. **Dr. Varma moved, Mr. Gallardo seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §195.1 Definitions and §195.2 Certification of Pain Management Clinics and publication in the Texas Register.**

m. Chapter 197, Emergency Medical Service,
§197.1 Purpose.
§197.2 Definitions.
§197.7 Physician Supervision of Emergency Medical Technician-Paramedic or Licensed Paramedic Care Provided in a Health Care Facility Setting (new section).

Ms. Tuthill gave a brief summary. Presented written comments and no one signed in to present oral comments. **Dr. Simonson moved, Dr. Holliday seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §197.1, §197.2, and §197.7 and publication in the Texas Register.**

n. Chapter 198, Standards for Use of Investigation Agents,
§198.1 Purpose.
§198.3 Practice Guidelines for the Use of Investigational Agents.
§198.4 Use of Investigational Agents for Patients with Terminal Illnesses.

Mr. Blech gave a brief summary. No written comments were received and no one signed in to present oral comments. **Dr. Varma moved, Mr. Webb seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §198.1, §198.3 and §198.4 and publication in the Texas Register.**

o. Chapter 200, Standards for Physicians Practicing Complementary and Alternative Medicine,
§200.3(7) Practice Guidelines for the Provision of Complementary and Alternative Medicine.

Mr. Blech gave a brief summary and presented written comments. No one signed in to present oral comments. **Dr. Varma moved, Mr. Gallardo seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C §200.3(7) Practice Guidelines for the Provision of Complementary and Alternative Medicine and publication in the Texas Register, with a clerical correction to replace Texas State Medical Examiners with Texas Medical Board.**

Agenda Item #34 at 11:30 a.m. Open forum for public comments. Debra McGregor and Joy Rockwell, signed in and presented public comments.

Agenda item #30 Petition for rule/making revision for rule §165.2. Ms. Pajak gave brief summary of the petitions for rule change from two requesters relating to 22 T.AC. §165, Medical

Records. After discussion, **Mr. Denton moved, Mr. Gallardo seconded, and the motion passed to deny both petitions for rule changes.**

There are no items for Agenda items #15-20

Agenda item #21, Consideration and approval of Cease and Desist Agreed Orders. Dr. Holliday moved, Mr. Gallardo seconded, and the motion passed to approve the Cease and Desist Agreed Orders for Amalia Figueroa and Steven B. McDonald.

Agenda item #22, Report on Cease and Desist Agreed Orders approved by Executive Director. A report was given on the Cease and Desist hearings for Stephen Duncan, automatic.

Agenda item #23, Report on Motions for Rehearing Requests. A report was given on the Motions for Rehearing Requests for Andrew Jones, MD and Ayo Ayodejo Ajim, MD.

Agenda item #24, Report on Temporary Suspensions. A report was given on the Temporary Suspension hearings for Rezik Saqer, MD and Katherine Blanchette M.D. with notice; and Rezik Saqer, MD; Ralph Brooks, MD; Shafeeq T. Sheikh M.D. and Owen Maat, M.D. without notice.

Agenda item #25 Report of Suspension by Operation of Law. A report was given on the Suspension by Operations Law for John O. Dimowo M.D.

Agenda item #26, Report on Automatic Orders. A report was given on the Automatic Orders for Ronald Fraser M.D. and Bernice Anderson D.O.

Agenda item#31 Discussion, recommendations, and possible action regarding adoption of proposed rule changes to 22 T.A.C Chapter 183, Acupuncture

- a. §183.25 Inactive Status License
- b. §183.26 Retired License

Ms. Robinson gave a brief summary. No written comments were received and no one signed in to present oral comments. **Dr. Varma moved, Mr. Gallardo seconded, and the motion passed to adopt the proposed amendments approved by the Acupuncture Board and rule review to 22 T.A.C. §183.25 Inactive Status License and §183.26 Retired License for publication in the Texas Register.**

Agenda item# 32, Discussion, recommendation, and possible action regarding acupuncturist performing facial rejuvenation without a physician referral. Ms. Robinson gave an overview of the acupuncture scope of practice allowing acupuncturists to perform facial rejuvenations without a referral of a physician. After discussion, the board requested additional information.

Agenda item #33 Discussion, recommendation, and possible action regarding adoption of proposed rule changes to 22 T.A.C. Chapter 185, Physician Assistants.

- a. §185.2 Definitions;
- b. §185.3 Meetings and Committees;

c. §185.4 Procedural Rules for Licensure Applicants.

Ms. Robinson gave a brief summary. No written comments were received and no one signed in to present oral comments. **Dr. Varma moved, Mr. Gallardo seconded, and the motion passed to adopted the proposed amendments and rule review to 22 T.A.C. §185.2, §185.3 and §185.4. and publication in the Texas Register.**

Consent Agenda

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

1. Consideration and approval of the October 26, 2015 Executive Committee meeting minutes and action item. **Dr. Arambula moved, Mr. Webb seconded, and the motion passed to approve the October 26, 2015 Executive Committee Meeting Minutes.**
2. Consideration and approval of the August 28, 2015 Board Meeting Minutes. **Dr. Varma moved, Ms. Attebury seconded, and the motion passed to approve the August 28, 2015 Board Meeting Minutes.**
3. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Dr. McNeese gave report of the DPRC meeting. **Dr. McNeese moved, Ms. Attebury seconded, and the motion passed to approve the DPRC Committee meeting minutes and action items.**

Mr. Webb gave a report of the Licensure Committee. **Mr. Webb moved, Mr. Gallardo seconded, and the motion passed to approve the Licensure Committee meeting minutes and action items.**

Ms. Attebury gave a report of the Finance Committee meeting. **Ms. Attebury moved, Dr. Holliday seconded, and the motion passed to approve the Finance Committee meeting minutes and action items.**

Mr. Gallardo gave a report of the Public Information meeting. **Mr. Gallardo moved, Dr. Varma seconded, and the motion passed to approve the Public Information Committee meeting minutes and action items.**

Dr. Arambula gave a report of the Telemedicine Committee meeting. **Dr. Arambula moved, Mr. Webb seconded, and the motion passed to approve the Telemedicine Committee meeting minutes and action items.**

Dr. Willeford gave a report of the Disciplinary Process Review Committee meeting. **Dr. Willeford moved, Mr. Webb seconded, and the motion passed to approve the Disciplinary Process Review Committee minutes and action items with the reconsideration of Log# 14-6920 for the appeal to be granted.**

The Board recessed at 12:35 p.m.

The Board reconvened at 12:50 p.m.

Dr. McNeese moved, Dr. Willeford seconded, and the motion passed to go into Executive Session at 12:51 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 1:25 p.m. and it was announced that no action was taken. A certified agenda was

made.

Agenda item #12 (continued) Consideration and possible action for Agreed Board Orders, continued. After consideration, **Dr. Holliday moved, Mr. Gallardo seconded, and approve the Agreed Order #39 with a modification to add a public reprimand.**

After consideration, **Dr. Willeford moved, Mr. Gallardo seconded, and the motion passed to continue Agreed Board Order #46 for potential later action.**

Agenda item #14 (continued), Consideration and approval of Remedial Plans, continued. After consideration, **Mr. Denton moved, Mr. Gallardo seconded, and the motion passed to continue the Remedial Plan #35 for further investigation due to the Wisconsin action.**

Dr. Guerra recused from consideration of Remedial Plan #36. After discussion, **Dr. Denton moved, Dr. Holliday seconded, and the motion passed by hand vote to approve Remedial Plan #36.**

Dr. Arambula thanked the board for their service.

Agenda item #34, Adjourn. There being no further agenda items, **Ms. Attebury moved, Mr. Gallardo seconded, and the motion passed to adjourn the meeting at 1:08 p.m.**