



TEXAS PHYSICIAN ASSISTANT BOARD
BOARD MEETING
November 3, 2017

The meeting was called to order at 11:00 a.m. by Jason Cooper, PA-C, Presiding Officer. Other board members present were: Karrie L. Crosby, PA-C, Secretary; Clayton "Clay" P. Bulls, PA-C; Jennifer L. Clarner, PA-C; Anna Arredondo Chapman; Maribel De Ponce, PA-C; Melinda Gottschalk, PA-C; Victor Ho, M.D.; Teralea Jones, PA-C; Jorge Martinez; and R. Blayne Rush. Felix Koo, M.D and Michael D. Reis, M.D. were absent. Staff members present were Scott Freshour, J.D., Interim Executive Director and General Counsel; Robert Breidt, M.D., Medical Director; Megan Goode, Governmental Affairs and Public Information Manager; and the Assistant General Counsels: Rob Blech, J.D., Wendy Pajak, J.D., Amy Swanholm, J.D. and Yvette Yarbrough, J.D., and various other staff.

Agenda item #1, Mission Statement. Mr. Cooper 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.*

Agenda item #22, at 10:45 a.m., Consideration and approval of Determinations of Default.

a.) **Jeanette Weicht, P.A., SOAH #503-16-5730.** Johnathan Stone, staff attorney, was present and gave a presentation. Ms. Weicht, P.A. was not present. No one appeared representing Ms. Weicht. After discussion, **Ms. Crosby moved, Mr. Martinez seconded, and the motion passed to adopt Findings of Fact, Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Jeanette Weicht, P.A., and adopt the staff's suggested final order for revocation.**

b.) **Kelly Malone, P.A., SOAH #503-17-1568.PA.** Mr. Stone, staff attorney, was present and gave a presentation. Ms. Malone, P.A. was not present. No one appeared representing Ms. Malone. After discussion, **Ms. Chapman moved, Mr. Bulls seconded, and the motion passed to adopt Findings of Fact, Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Kelly Malone, P.A., and adopt the staff's suggested final order for revocation.**

Agenda Item #23 at 10:50 a.m., Consideration and approval of Proposal for Decisions.

a) **Charles Thompson, P.A., SOAH #503-15-4444.** Susan Rodriguez, staff attorney, gave a brief procedural background. Charles Thompson, P.A. was not present. No one was present to represent Mr. Thompson. Ms. Rodriguez then gave a presentation. After discussion, **Mr. Rush moved, Ms. Crosby 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 Charles Thompson, P.A. and adopt the staff's suggested final order for revocation.

Agenda item #2, Board Member Report.

Mr. Cooper informed the Board members that the length of meetings may extend due to statutory changes, allowing the Board to go into Executive session during the Licensure and Discipline and Ethics committees. Mr. Cooper asked Board staff to look into the possibility of having concurrent committee meetings of the Licensure and Discipline and Ethics ("DE") with DE in a separate room.

Agenda item #3, Executive Director's Report.

E.D Search Report. Mr. Freshour reported the Executive Director search is still ongoing and applications are being received. The Medical Board has set up an Executive Search Committee; the applications received will go to the committee in the next few weeks.

Budget Report. Ms. Corrales presented the Budget Report and reported that the projected expenditures and revenue continue to remain on target. TMB does not have a contingency revenue rider requirement for the FY 18/FY 19.

Legislative Update. Ms. Goode gave an update on the completed Sunset review of the Medical Board which focused on the statutory recommendations.

Audit Report. Ms. Goode presented the FY 17 audit report which was approved by the Medical Board. Ms. Goode gave an update on the completed Internal Audit of the litigation department.

Outreach update. Ms. Goode reviewed the Outreach presentation schedule and the progress made. Board Staff also included an update on prescriptive authority agreement changes that were made during the session from SB1625.

There were no items for Agenda items #4 and 5.

Agenda item #6, Public Information Update. Ms. Goode gave a brief report on public information. A bulletin issued in September focused on a variety of Legislative changes. The next bulletin planned is in December and will focus on the prescriptive authority agreement changes; it will also include an update on all relevant FAQs which will include prescriptive authority.

Agenda item #7, Consideration and possible action regarding pending litigation. Mr. Freshour gave a brief litigation update.

Agenda item #8, Discussion, recommendation, and possible action regarding process and procedures for calling Executive Sessions. Mr. Rush made inquiries on the procedures for calling Executive Sessions and the attendance by certain staff members. Mr. Blech gave an update on procedures. No action was taken.

Agenda item #9, Discussion, recommendation, and possible action regarding Rule 22 TAC Chapter 187.17a and the scheduling of physician assistant informal settlement conferences. Mr. Rush discussed recommendations on the scheduling of Physician Assistant's informal settlement conferences. Mr. Freshour gave an overview of the process. No action was taken.

There were no items for Agenda item #10.

Agenda item #11, Consideration and Approval of Modification Request/ Termination Request Orders. Ms. De Ponce was recused for consideration of Alice V. Hill P.A. After consideration, **Dr. Ho moved, Ms. Gottschalk seconded, and the motion passed to approve the Termination Request Order Granted for: Michael J. Anderson, P.A. and Andrew Vargas, P.A. and the Termination Request Order Denied for Alice V. Hill, P.A.**

Agenda item #12, Consideration and Approval of Agreed Board orders. After consideration, **Ms. Crosby moved, Ms. Chapman seconded, and the motion passed to approve the Agreed Orders en masse for: Justin C. Beard, P.A., Carlos R. Guerrero, PA and Melodie K. Irvin, P.A.**

There were no items for Agenda items #13 and 14.

Agenda item #15, Consideration and approval of Mediated Settlement Agreement Orders. After discussion, **Mr. Bulls moved, Mr. Martinez seconded, and the motion passed to approve the Mediated Settlement Agreement Orders for: Lamar B. Edwards, P.A. and Mathew L. Lopez, P.A.**

There were no items for Agenda items #16.

Agenda item #17, Consideration and approval of Remedial Plans. After discussion, **Ms. Chapman moved, Dr. Ho seconded, and the motion passed to approve the Remedial Plans for: Samantha R. Francis, P.A., Robert L. Green, P.A., Bailey M. Hilburn, P.A., Robert A. Lukowicz, P.A. and Rebecca D. Nouhan, P.A.**

There were no items for Agenda item #18-21.

Agenda item #24, Discussion, recommendation, and possible action regarding rule review and proposed amendments to 22 T.A.C. Chapter 185, including approval for publication of proposed rule in the Texas Register:

§185.4, Procedural Rules for Licensure Applicants
§185.6, Annual Renewal of License
§185.8, Inactive License
§185.14, Physician Supervision
§185.17, Grounds for Denial of Licensure and for Disciplinary Action
§185.31, Prescriptive Authority Agreements: Minimum Requirements

§185.32, Training for Radiologic Procedures

Ms. Swanholm gave a brief overview of the proposed amendments to §185.4, Procedural Rules for Licensure Applicants deleting the title surgeon Assistants, §185.6, Annual Renewal of License, §185.8, Inactive License, §185.14, Physician Supervision, §185.17, Grounds for Denial of Licensure and for Disciplinary Action, §185.31, Prescriptive Authority Agreements: Minimum Requirements. No one signed-in for oral comments. No written comments were received. After discussion, **Ms. Gottschalk moved, Ms. Chapman seconded, and the motion passed to adopt the proposed rule changes to 22 T.A.C. Chapter 185. Physician Assistant, §185.4, Procedural Rules for Licensure Applicants deleting the title surgeon Assistants, §185.6, Annual Renewal of License, §185.8, Inactive License, §185.14, Physician Supervision, §185.17, Grounds for Denial of Licensure and for Disciplinary Action, §185.31, Prescriptive Authority Agreements, *Minimum Requirements*, and §185.32, *Training for Radiologic Procedures*, for publication in the Texas Register.**

Mr. Blech gave a brief overview of the proposed amendments to §185.32, Training for Radiologic Procedures. No one signed-in for oral comments. No written comments were received. After discussion, **Ms. Crosby moved, Ms. Gottschalk seconded, and the motion passed to approve for publication the proposed rule changes to 22 T.A.C. Chapter 185. Physician Assistant, §185.32, Training for Radiologic Procedures, contingent upon the current language of the current rule being modified and sent back to the Board for approval before publication in the Texas register.**

There were no items for Agenda item #25.

Agenda item #26, Open Forum for Public Comments. No one signed in to present comments.

Agenda item #27, Consideration and Approval of the July 14, 2017 Board Meeting Minutes. Ms. Crosby moved, Ms. Chapman seconded, and the motion passed to approve the July 14, 2017 Board Meeting Minutes and action items.

Agenda item #28, Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Ms. Jones gave a report of the Licensure Committee. **Ms. Crosby moved, Ms. Chapman seconded, and the motion passed to approve the Licensure Committee Meeting Minutes and Action Items.**

Mr. Bulls gave a report of the Discipline and Ethics Committee. **Mr. Bulls moved, Ms. De Ponce seconded, and the motion passed to approve the Discipline and Ethics Committee Meeting Minutes and Action Items.**

Agenda item #29, Adjourn. There being no further agenda items, **Ms. Chapman moved, Ms. Gottschalk seconded, and the motion passed to adjourn at 12:39 p.m.**