



Texas Medical Board

BOARD MEETING
333 GUADALUPE, TOWER 2, SUITE 225
AUSTIN TEXAS
JUNE 14-15, 2018

THURSDAY, JUNE 14, 2018 COMMITTEES

- 9:00 a.m. Executive Committee (*Tower 2, Suite 225*)
 - 9:15 a.m. Finance Committee (*Tower 2, Suite 225*)
 - 9:30 a.m. Advertising Board Certification Ad Hoc Committee (*Tower 2, Suite 225*)
 - 10:00 a.m. Licensure Committee (*Lobby Area Room 100*)
 - 10:00 a.m. Disciplinary Process Review Committee (*Tower 2, Suite 225*)
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8:00 a.m. FRIDAY, JUNE 15, 2018

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.
 - a. Dr. Varma TMA Distinguished Service Award
 - b. Committee member appointments
 - c. Update on TMA annual meeting
 - d. Medical Executive Committee
 - e. Innovation Task Force Committee
 - f. Email
 - g. Service presentations
 - h. Dental anesthesia rules update
3. Executive Director Report.
 - a. Budget Update
 - b. Legislative Update
 - c. Strategic Plan
4. Medical Director Report.

5. Public Information Update.
6. Consideration and approval of Mediated Settlement Agreed Orders.
7. Consideration and approval of Remedial Plans.
8. Consideration and possible action for Agreed Orders.
9. Consideration and approval of Modification Request/Termination Request Orders.
10. Consideration and approval of Cease and Desist Agreed Orders.
11. Consideration and approval of Nunc Pro Tunc Orders.

Agenda item #12 at 9:00 a.m.

12. Consideration and approval of Determinations of Default.
 - a. Ronald A. Charles, M.D., SOAH #503-16-5759.MD
 - b. Albert Deloyd Friday, Jr., M.D., SOAH #503-18-1877.MD

Agenda item #13 at 9:15 a.m.

13. Consideration and approval of Proposal for Decisions:
 - a. Leonard G. Kibert, M.D., SOAH #503-17-5945.MD
 - b. Ronald F. Kahn, M.D., SOAH #503-18-2313.MD
 - c. Philip J. Leonard, M.D., SOAH #503-16-6176.MD
14. Discussion, recommendation, and possible action relating to the PHP audit.
 - a. Advice of legal counsel
 - b. Appointment of TMB audit advisory committee
 - c. Audit update
15. Report Physician Assistant Liaison.
16. Consideration and possible action regarding pending litigation.
C&D John Coyle, D.O., update
17. Report on Temporary Suspension Hearings.
18. Report on Motions for Rehearing Requests.
19. Report of Suspension by Operation of Law.
20. Report on Cease and Desist Orders approved by Executive Director.
21. Report on Automatic Orders.
22. Consideration and approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders.
23. Consideration and approval of Orders of Referral.
24. Consideration and approval of Orders to Show Cause.

25. Consideration and approval of Amended Proposal for Decision.
26. Consideration and approval of Remand of Amended Final Orders.
27. Discussion, recommendation, and possible action regarding proposed rule amendments and rules review to 22 T.A.C.
 - a. Chapter 175, Fees and Penalties
 - §175.2 Registration and Renewal Fees
28. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C.
 - a. Chapter 170, Pain Management
 - §170.4 Purpose
 - §170.5 Definitions
 - §170.6 Opioid Antagonist Prescription Guidelines
 - §170.7 Liability for Act or Omission with Respect to Prescribing an Opioid Antagonist
 - §170.8 Documentation
 - b. Chapter 172, Temporary and Limited License
 - §172.19 Sports Team Physician Limited License
 - c. Chapter 187, Procedural rules
 - §187.78 Written Response
 - d. Chapter 190, Disciplinary Guidelines
 - §190.8(6)(B) Violation Guidelines
 - §190.14 Disciplinary Sanction Guidelines
 - e. Chapter 198, Standards for Use of Investigational Agents
 - §198.1 Purpose
 - §198.2 Definitions
 - §198.3 Practice Guidelines for the Use of Investigational Agents
 - §198.4 Use of Investigational Agents for Patients with Terminal Illnesses
 - §198.5 Use of Investigational Stem Cell Treatments with Certain Severe Chronic Diseases or Terminal Illnesses
 - §198.6 Process and Procedures for IRBs Engaged in the Use of Investigational Stem Cell Treatments for Patients with Certain Severe Chronic Diseases or Terminal Illnesses
29. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C. Chapter 183, Acupuncture.
30. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C. Chapter 185, Physician Assistants.
 - a. Chapter 185 Physician Assistant
 - §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

31. Discussion, recommendation, and possible action regarding adoption of proposed rule repeal and rule review to 22 T.A.C. Chapter 194, Medical Radiologic Technology
32. Discussion, recommendation, and possible action regarding adoption of propose rule amendments and rule review to 22 T.A.C. Chapter 186, Respiratory Care.

Agenda Item #33 at 11:30 a.m.

33. Open forum for public comments.
34. Adjourn.

CONSENTAGENDA

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

1. Consideration and approval of the March 2, 2018 Board Meeting Minutes and action items.
2. Consideration and approval of April 13, 2018 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

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Executive Session:

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

- a. 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.
- b. 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.
- c. 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.
- d. 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.