



Texas Medical Board

Notice for the June 11-12, 2020 VIDEO CONFERENCE MEETINGS JUNE 11-12, 2020

The Texas Medical Board is posting the following Notice per Texas Government Code Sec. 551.041 and 551.127.

On March 13, 2020, the Governor of Texas certified COVID-19 as posing an imminent threat of disaster to the public health and safety and declared a state of disaster in all counties of Texas. Pursuant to the certification, the Governor suspended certain open-meeting provisions that require government officials and members of the public to be physically present at a specified meeting location, in an effort to reduce meetings that assemble large groups of people.

Accordingly, the meetings will proceed by Microsoft Team video conference, as allowed under Texas Government Code, Sec. 551.127 and the Governor’s suspension referenced above. The public and members may join the meetings by using the respective internet links specified below. Members of the public will have an opportunity to attend and participate virtually, and may address the Texas Medical Board through public comment.

THURSDAY, JUNE 11, 2020 COMMITTEES

- 9:00 a.m. Executive Committee - [https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjA5NjA2YzAtNjY3Mi00ODkyLTkwMDItZjg4MzhmMDhmOGMx%40tthread.v2/0?context=%7b%22Tid%22%3a%22bd78cf3b-6ff9-438e-a52a-80d6968313b1%22%2c%22Oid%22%3a%225834c4c6-b34e-4dc8-ae9b-559747e00a7d%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjA5NjA2YzAtNjY3Mi00ODkyLTkwMDItZjg4MzhmMDhmOGMx%40thread.v2/0?context=%7b%22Tid%22%3a%22bd78cf3b-6ff9-438e-a52a-80d6968313b1%22%2c%22Oid%22%3a%225834c4c6-b34e-4dc8-ae9b-559747e00a7d%22%7d)
- 9:05 a.m. Finance Committee - https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGM0ZGUwNmUtM2UwYi00MzAwLTk0ODItMzIwOTA4ZGJjMjI0%40thread.v2/0?context=%7b%22Tid%22%3a%22bd78cf3b-6ff9-438e-a52a-80d6968313b1%22%2c%22Oid%22%3a%225834c4c6-b34e-4dc8-ae9b-559747e00a7d%22%7d
- 9:15 a.m. Licensure Committee - https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDZiYWY4ZTktY2FjZC00YzQwLTkxOGYtY2I4ZGRkMjQyODQ3%40tthread.v2/0?context=%7b%22Tid%22%3a%22bd78cf3b-6ff9-438e-a52a-80d6968313b1%22%2c%22Oid%22%3a%221b0d8423-7b7b-4b0c-a2b5-95d1ca4807cf%22%7d
- 9:15 a.m. Disciplinary Process Review Committee - https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDBkMjNiYjUtMWQzMS00Y2U4LWI4NTItMGQ2OTIyZTkzZmIz%40tthread.v2/0?context=%7b%22Tid%22%3a%22bd78cf3b-6ff9-438e-a52a-80d6968313b1%22%2c%22Oid%22%3a%225834c4c6-b34e-4dc8-ae9b-559747e00a7d%22%7d

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**TEXAS MEDICAL BOARD MEETING
FRIDAY, JUNE 12, 2020
8:00 a.m.**

Video Conference

Full Board - https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTIwOWI5YjYtMjYzMi00ZDY5LWJIOTctY2NjZjY2NDEyM2Jh%40thread.v2/0?content=%7b%22Tid%22%3a%22bd78cf3b-6ff9-438e-a52a-80d6968313b1%22%2c%22Oid%22%3a%225834c4c6-b34e-4dc8-ae9b-559747e00a7d%22%7d

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.
Introduce New Member
COVID-19 Update
FSMB Update
3. Consideration and approval of Mediated Settlement Agreed Orders.
4. Consideration and approval of Remedial Plans.
5. Consideration and possible action for Agreed Orders
6. Consideration and approval of Modification Request/Termination Request Orders.
7. Consideration and approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders.
8. Consideration and approval of Cease and Desist Orders.
9. Consideration and approval of Nunc Pro Tunc Orders.
10. Consideration and approval of Agreed Resolution Orders
11. Consideration and approval of Consent Orders
- Agenda item #12 at 9:30 a.m.**
12. Consideration and approval of Determinations of Default.
 - a. Berry, M.D., Alison, SOAH #503-19-6967.MD
 - b. Easter, M.D., Thomas G., SOAH #503-19-6973.MD
 - c. Hernandez, MD, Manuel, SOAH #503-20-2038.MD
 - d. Lancaster, D.O., Chase, SOAH #503-20-2018.DO
13. Consideration and approval of Proposal for Decisions.
14. Executive Director Report.
Budget Update
Internal Audit Update
COVID-19
Efficiency 1-year old case report change
FSMB update
15. Medical Director Report.

16. Public Information Update.
17. Report Physician Assistant Liaison.
18. Consideration and possible action regarding pending litigation.
19. Report on Temporary Suspension Hearings.
20. Report on Suspensions by Operation of Law.
21. Report on Motions for Rehearing Requests.
22. Report on Cease and Desist Orders approved by Executive Director.
23. Report on Automatic Revocation Letters by Executive Director.
24. Report on Automatic Orders.
25. Report of Cancellations regarding Investigations.
26. Consideration and approval of Orders to Show Cause.
27. Consideration and approval of Revised, Vacated, or Amended Orders.
28. Consideration, discussion, recommendation, and possible action regarding petition for rule change:
 - Rule 190.8 – Violation Guidelines
29. Discussion, recommendation, and possible action regarding proposed rule amendments to 22 T.A.C., Part 9, Texas Medical Board.
30. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C.
 - A. Chapter 166. Physician Registration
 - §166.2 – Continuing Medical Education
 - B. Chapter 170. Pain Management is amended to: Prescription of Controlled Substances
 - §170.2 – Definitions
 - §170.3 – Minimum Requirements for the Treatment of Chronic Pain
 - §170.9 – New Subchapter C - Prescription Monitoring Program Check and Rule 170.9 – Prescription Monitoring Program Check
 - C. Chapter 172. Temporary and Limited Licenses, Subchapter C, Limited Licenses
 - §172.13 – Conceded Eminence
 - D. Chapter 175. Fees and Penalties
 - §175.1 – Application and Administrative Fees
 - §175.2 – Registration and Renewal Fees
 - E. Chapter 178. Complaints
 - §178.8 – Appeals

F. Title of Chapter 180 – Texas Physician Health Program and Rehabilitation Orders is amended to “Texas Physician Health Program”

- §180.1 – Purpose
- §180.2 – Definitions
- §180.3 – Texas Physician Health Program
- §180.4 – Operation of Program
- §180.7 – Rehabilitation Orders (Repeal)

G. Chapter 195 – Pain Management Clinics

- §195.1 – Definitions
- §195.4 – Operation of Pain Management Clinics

31. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C. Chapter 183. Acupuncture.
32. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C. Chapter 185. Physician Assistants.
33. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C. Chapter 194, Medical Radiologic Technology
34. Discussion, recommendation, and possible action regarding adoption of propose rule amendments to 22 T.A.C. Chapter 186, Respiratory Care.
35. Discussion, recommendation, and possible action regard rule review to 22 T.A.C., Part 9, Texas Medical Board.

Agenda Item #36, not before 10:00 a.m.

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

CONSENTAGENDA

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

1. Consideration and approval of the March 6, 2020 Medical Board Meeting Minutes and action items.
2. Consideration and approval of the March 13, 2020, March 23, 2020, April 17, 2020, April 20, 2020; and April 27, 2020, Emergency Executive Committee minutes and action items.
3. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.



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.