



# Texas Medical Board

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## **DISCIPLINARY PROCESS REVIEW COMMITTEE**

October 15, 2020, 9:15 a.m.

333 GUADALUPE, TOWER 2, SUITE 225, AUSTIN, TEXAS

*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 may join the meetings by using the respective internet links or phone number 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.*

<https://bit.ly/34CCP68>

+1 512-596-3865

Conference ID: 533 129 524#

1. Call to order and roll call.
2. Texas Physician Health Program (TXPHP):
  - A. Discussion, recommendation, and possible action regarding referrals
  - B. Report on Emergent Referrals
  - C. Other discussion items
3. Discussion, recommendation, and possible action regarding renewals involving impaired licensees.
4. Reports and discussion regarding the Investigation, Litigation and Compliance Departments.

5. Discussion, recommendation, and possible action regarding Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code:
  - A. Chapter 161: General Provisions
    - §161.11 – (New Rule) Memorandum of Understanding between Texas Medical Board (TMB) and Texas Physician Health Program (TXPHP)
  - B. Chapter 170: Prescriptions of Controlled Substances
    - §170.10 – (New Rule) Waivers from Electronic Prescribing
  - C. Chapter 180: Texas Physician Health Program
    - §180.4 – Operation of Program
  - D. Chapter 183: Acupuncture
    - §183.20 – Continuing Acupuncture Education
  - E. Chapter 184: Surgical Assistants
    - §184.4 – Qualifications for Licensure
    - §184.25 – Continuing Education
  - F. Chapter 185: Physician Assistants
    - §185.6 – Biennial Renewal of License
  - G. Chapter 186: Respiratory Care Practitioners
    - §186.10 – Continuing Education Requirements
  - H. Chapter 187: Procedural Rules
    - §187.9 – Board Actions
    - §187.35 – Presentation of Proposal for Decision
    - §187.37 – Final Decisions and Orders
    - §187.38 – Motions for Rehearing
  - I. Chapter 188: Perfusionists
    - §188.24 – Continuing Education
  - J. Chapter 194: Medical Radiologic Technology
    - §194.7 – Biennial Renewal of Certificate or Placement on the Board’s Non-Certified Technician Registry
6. Review, discussion, and possible action regarding review of probationers’ appearances.
7. Consideration and approval of membership of the Expert Physician Panel.
8. Reports and discussion regarding cases over one year old.
9. Review, discussion, and possible action regarding appeals of dismissed complaints.

10. Discussion, recommendation, and possible action regarding routine follow-up on investigative files previously referred from DPRC for follow-up action.
11. Review, discussion, and possible action regarding selected files and cases.
12. Adjourn.

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

- a. Deliberations regarding 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 rehabilitation orders under the authority of The Medical Practice Act Sections 152.009, 160.006-160.008, 164.007(c), and 164.202 & .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 regarding 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.