



# Texas Medical Board

BOARD MEETING

333 GUADALUPE, TOWER 2, SUITE 225

AUSTIN TEXAS

DECEMBER 5-6, 2019

## THURSDAY, DECEMBER 5, 2019 COMMITTEES

- 9:45 a.m. Finance Committee (*Tower 2, Suite 225*)  
9:50 a.m. Innovation Task Force Committee (*Tower 2, Suite 225*)  
9:55 a.m. Boundaries Task Force 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, DECEMBER 6, 2019

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.
  - Opioid Task Force
  - Out of Network Billing
  - Stem Cell Clarification
  - Law Enforcement Coordination
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 Agreed Orders.

9. Consideration and approval of Nunc Pro Tunc Orders.
- Agenda item #10 at 8:45 a.m.**
10. Consideration and approval of Determinations of Default.
  - a. Annelle Johnson, M.D., SOAH #503-19-5011.MD
11. Consideration and approval of Proposal for Decisions.
12. Consideration of Motion for Rehearing Request
  - a. Jose De Jesus Martinez, M.D., SOAH #503-18-5099.MD
13. Executive Director Report.
  - Budget Update
  - Impairment Questions
  - Investigations Process
  - Audit Team
14. Discussion, recommendation, and possible action Physician Health Program White Paper.
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 Motions for Rehearing Requests.
21. Report of Suspension by Operation of Law.
22. Report on Cease and Desist Orders approved by Executive Director.
23. Report on Automatic Orders.
24. Report of Cancellations regarding Investigations.
25. Consideration and approval of Orders to Show Cause.
26. Consideration and approval of Revised, Vacated, or Amended Orders.
27. Discussion regarding Chapter 172.13 Conceded Eminence.
28. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C.
  - Chapter 163, Licensure  
§163.13 – Expedited Licensure

- Chapter 165 Medical Records  
§165.7 – Out-of-Network Provider Notice and Disclosure Requirements (New Rule)
- Chapter 182, Use of Experts  
§182.1 – Purpose  
§182.3 – Definitions  
§182.5 – Expert Reviewer Qualifications  
§182.8 – Expert Physician Reviewers  
The repealed 182 rules are as follows:  
§182.2 – Board's Role.  
§182.4 – Use of Consultants.  
§182.6 – Use of expert witnesses.  
§182.7 – Interim Appointment.
- Chapter 193, Standing Delegation Orders  
§193.5 – Physician Liability for Delegated Acts and Enforcement

29. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C. Chapter 183. Acupuncture.
30. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C. Chapter 185. Physician Assistants.
31. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C. Chapter 194, Medical Radiologic Technology.
32. Discussion, recommendation, and possible action regarding adoption of propose rule amendments to 22 T.A.C. Chapter 186, Respiratory Care.
33. Discussion, recommendation, and possible action regard rule review to 22 T.A.C., Part 9, Texas Medical Board.
34. Open Forum for Public.
35. Discussion, recommendation, and possible action relating to personnel matters.
36. Adjourn.

**CONSENTAGENDA**

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

1. Consideration and approval of the October 18, 2019 Medical 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 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](mailto:laura.fleharty@tmb.state.tx.us) at least five (5) working days prior to the Board meeting