



Texas Medical Board

BOARD MEETING
333 GUADALUPE, TOWER 2, SUITE 225
AUSTIN TEXAS
OCTOBER 17-18, 2019

THURSDAY, OCTOBER 17, 2019 COMMITTEES

- 8:00 a.m. Executive Committee (*Tower 2, Suite 225*)
- 8:05 a.m. Finance Committee (*Tower 2, Suite 225*)
- 8:10 a.m. Innovation Task Force Committee (*Tower 2, Suite 225*)
- 8:15 a.m. Boundaries Task Force Committee (*Tower 2, Suite 225*)
- 8:30 a.m. Licensure Committee (*Lobby Area Room 100*)
- 8:30 a.m. Disciplinary Process Review Committee (*Tower 2, Suite 225*)

8:00 a.m. FRIDAY, OCTOBER 18, 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.
AG Opinion - Nurse Practitioner
Opioid Workgroup
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 8:50 a.m.**
10. Report on identifying child abuse.
- Agenda item #11 at 9:00 a.m.**
11. Consideration and approval of Determinations of Default.
 - a. Kristopher Michael McKay, M.D.-SOAH Docket No. 503-18-4889.MD
- Agenda item #12 at 9:05 a.m.**
12. Consideration and approval of Proposal for Decisions:
 - a. Gabriel Rodriguez, M.D., SOAH #503-18-3019
 - b. Jose De Jesus Martinez, M.D., SOAH #503-18-5099.MD
13. Executive Director Report.
 - Budget Update
 - PHP Update
 - Stakeholder update
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 on Chapter 53 automatic revocation and suspension letters
25. Consideration and approval of Orders to Show Cause.
26. Consideration and approval of Revised, Vacated, or Amended Orders.
27. Discussion, recommendation, and possible action regarding proposed rule amendments to 22 T.A.C.
 - Chapter 165, Medical Records
 - §165.7 Out of Network Notice and Disclosure

28. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C.

- Chapter 160, Medical Physicists
§160.31 - Exemption from Licensure for Certain Military Spouses (Medical Physicists)
- Chapter 163, Licensure
§163.3 - Exemption from Licensure for Certain Military Spouses (Physicians)
- Chapter 165, Medical Records
§165.1 - Medical Records
- Chapter 172, Temporary and Limited Licenses
§172.21- Other Health Care Providers Practice and Limited License for Disasters and Emergencies.
- Chapter 175, Fees and Penalties
§175.1 - Application and Administrative Fees
§175.2 - Registration and Renewal Fees
- Chapter 183, Acupuncture.
§183.27 - Exemption from Licensure for Certain Military Spouses (Acu)
- Chapter 185, Physician Assistants
§185.33 - Exemption from Licensure for Certain Military Spouses (PA)
- Chapter 186, Respiratory Care.
§186.30 - Exemption from Licensure for Certain Military Spouses (RCP)
- Chapter 188, Perfusionists
§188.30 - Exemption from Licensure for Certain Military Spouses (Perfusionists)
- Chapter 194, Medical Radiologic Technology.
§194.2 - Definitions,
§194.6 - Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board's Non-Certified Technician General Registry
§194.7 - Biennial Renewal of Certificate or Placement on the Board's General Registry for Non-Certified Technicians Generally
§194.10 - Retired Certificate or NCT General Registration Permit
§194.21 - Scope of Practice
§194.34 - Exemption from Licensure for Certain Military Spouses (MRT)

29. Discussion, recommendation, and possible action regard rule review to 22 T.A.C., Part 9, Texas Medical Board.

- Chapter 161, General Provisions (Rule Review)
§161.1 - Introduction
§161.2 - Purpose and Functions
§161.3 - Organization and Structure
§161.4 - Officers of the Board
§161.5 - Meetings
§161.6 - Committees of the Board
§161.8 - Chief of Staff (Repeal)
§161.9 - Compliance with Non-Discrimination Laws (Repeal)
§161.11 - Rule Changes (Repeal)
§161.12 - Medical Director (Repeal)
§161.13 - General Considerations (Repeal)

30. Discussion, recommendation, and possible action regarding rule review to 22 T.A.C. Chapter 185, Physician Assistants.
31. Discussion, recommendation, and possible action regarding rule review to 22 T.A.C. Chapter 183, Acupuncture.
32. Discussion, recommendation, and possible action regarding rule review to 22 T.A.C. Chapter 194, Medical Radiologic Technology.
33. Discussion, recommendation, and possible action regarding rule review to 22 T.A.C. Chapter 186, Respiratory Care.
34. Open Forum for Public Comment.
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 August 16, 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.



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.