



# Texas Medical Board

## VIDEO CONFERENCE MEETINGS

DECEMBER 3-4, 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 may join the meetings by using the respective internet links or phone numbers 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.*

*For instructions using Microsoft Teams, please go to*

<https://techhelp.tmb.state.tx.us/index.php/2020/11/24/public-tmb-virtual-meeting/>

### THURSDAY, DECEMBER 3, 2020 COMMITTEES

- 9:00 a.m. Executive Committee  
<https://bit.ly/33bOs4b>  
+1 512-596-3865 Conference ID: 468060285#
- 9:05 a.m. Finance Committee  
<https://bit.ly/33bOs4b>  
+1 512-596-3865 Conference ID: 468060285#
- 9:15 a.m. Disciplinary Process Review Committee  
<https://bit.ly/33bOs4b>  
+1 512-596-3865 Conference ID: 468060285#
- 9:15 a.m. Licensure Committee  
<https://bit.ly/3pOssWG>  
+1 512-596-3865 Conference ID: 757503343#

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### TEXAS MEDICAL BOARD MEETING

FRIDAY, DECEMBER 4, 2020

8:00 a.m.

Video Conference

TMB Full Board Meeting - 12/4/20

<https://bit.ly/3nTM5uT>

+1 512-596-3865 Conference ID: 953473454#

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.  
Covid-19 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
12. Consideration and approval of Determinations of Default.
13. Consideration and approval of Proposal for Decisions.
14. Executive Director Report.  
Budget Update  
Internal Audit Update  
Covid-19 Updated
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. Discussion, recommendation, and possible action regarding adoption of emergency rule to 22 T.A.C.
29. Discussion, recommendation, and possible action regarding proposed rule amendments to 22 T.A.C.
30. Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C.
  - Chapter 161: General Provisions
    - §161.11 – (New Rule) Memorandum of Understanding between Texas Medical Board (TMB) and Texas Physician Health Program (TXPHP)
  - Chapter 170: Prescriptions of Controlled Substances
    - §170.10 – (New Rule) Waivers from Electronic Prescribing
  - Chapter 180: Texas Physician Health Program
    - §180.4 – Operation of Program
  - Chapter 183: Acupuncture
    - §183.20 – Continuing Acupuncture Education
  - Chapter 184: Surgical Assistants
    - §184.4 – Qualifications for Licensure
    - §184.25 – Continuing Education
  - Chapter 185: Physician Assistants
    - §185.6 – Biennial Renewal of License
  - Chapter 186: Respiratory Care Practitioners
    - §186.10 – Continuing Education Requirements
  - 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
  - Chapter 188: Perfusionists
    - §188.24 – Continuing Education
  - Chapter 194: Medical Radiologic Technology

§194.7 – Biennial Renewal of Certificate or Placement on the Board’s Non-Certified Technician Registry

- 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 9:00 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 October 16, 2020 Medical Board Meeting Minutes and action items.
- 2. Consideration and approval of the November 2, 2020 Emergency Executive Committee.
- 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.



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.