

**TEXAS MEDICAL BOARD
BOARD MEETING MINUTES**

February 7 8, 2008

The meeting was called to order on February 7, 2008 at 4:23 p.m. by Board President, Roberta Kalafut, D.O. Board members present were Lawrence L. Anderson, M.D.; Michael Arambula, M.D.; Julie Attebury; Jose M. Benavides, M.D.; Patricia S. Blackwell; Manuel Guajardo, M.D.; Amanullah Khan, M.D.; Melinda McMichael, M.D.; Margaret McNeese, M.D.; Charles E. Oswalt, III, M.D.; Larry Price, D.O.; Paulette Southard; Timothy J. Turner; Timothy Webb, J.D.; and Irvin E. Zeitler, Jr., D.O. Board staff present were Donald W. Patrick, M.D., J.D., Executive Director; Robert Simpson, J.D., General Counsel; Jane McFarland, Chief of Staff; and various other staff. Ms. Southard read the Texas Medical Board Mission into the minutes.

Our Boards mission is to protect and enhance the publics 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.

Agenda item #3, Board member report. Dr. Kalafut discussed the upcoming Annual Meeting of the Federation of State Medical Boards (FSMB) which is scheduled to take place May 1-3. Dr. Arambula indicated his plans to attend the conference.

Agenda item #4, Executive Directors report. Jaime Garanflo provided an update concerning the licensure division.

Dr. Price moved, Mr. Turner seconded, and the motion passed to go into Executive Session at 4:43 p.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and deliberation concerning licensure applications, and/or disciplinary action under the authority of the Open Meetings Act, Government Code, 551.071 and 551.074; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006, and 164.007, and

164.203; and Attorney Generals Opinion No. H-484. Open session resumed at 5:00 p.m. and it was announced that no action was taken. A certified agenda was made.

The meeting recessed for the day at 5:10 p.m. and reconvened on Friday, February 8th at 8:10 a.m. Members present were Board President Roberta Kalafut, D.O.; Lawrence L. Anderson, M.D.; Michael Arambula, M.D.; Julie Attebury; Jose M. Benavides, M.D.; Patricia S. Blackwell; Melinda McMichael, M.D.; Margaret C. McNeese, M.D.; Charles Oswalt, M.D.; Larry Price, D.O.; Allan N. Shulkin, M.D.; Timothy J. Turner; Timothy Webb, J.D.; and Irvin E. Zeitler, Jr., D.O. Board staff present were Donald W. Patrick, M.D., J.D., Executive Director; Robert Simpson, J.D., General Counsel; Jane McFarland, Chief of Staff; and various other staff.

Agenda item #4, Executive Directors report. Several new staff members from various departments were introduced by their respective managers. Dr. Patrick discussed his recent work with the Federation of State Medical Boards (FSMB) concerning their Maintenance of Licensure initiative.

Agenda Item #9, Executive Session. Dr. Price moved, Mr. Turner seconded, and the motion passed to go into Executive Session at 8:23a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and deliberation concerning licensure applications, and/or disciplinary action under the authority of the Open Meetings Act, Government Code, 551.071 and 551.074; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006, and 164.007, and 164.203; and Attorney Generals Opinion No. H-484. Open session resumed at 10:19 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda item #8, Consideration and Approval of Non-Public Rehabilitation Orders and Modification Request/Termination Request of Non-Public Rehabilitation Orders.

After discussion, **Dr. Price moved, Dr. Anderson seconded, and the motion passed to approve all of the Non-Public Rehabilitation Orders as written except for Orders # 476 and #483. Dr. Anderson recused himself from the voting in regards to Order #481.**

After discussion, **Dr. Anderson moved, Dr. Guajardo seconded, and the motion passed to approve order #476 once the order is amended to require a chaperone be present during patient examinations.**

After discussion, **Mr. Turner moved, Ms. Southard seconded and the motion passed to approve order # 483 once the language is changed indicating the physician must follow the terms of the order for at minimum of five years before a modification request can be made.**

Agenda Item #18, Consideration of dismissal recommendations from Informal Settlement Conference panels. After discussion, **Dr. Price moved, Ms Southard seconded and the motion passed to approve all of the cases considered for dismissal.**

Agenda item #9, Consideration and Approval of Agreed Board Orders. After discussion, **Dr. McMichael moved, Dr. Arambula seconded and the motion passed to approve the Agreed Order for Lena Bruce, M.D. as written.**

After discussion, **Dr. Oswalt moved, Ms. Blackwell seconded, and the motion passed to approve the Agreed Order for Todd W. Hancock, M.D. as written.**

After discussion, **Dr. Price moved, Ms. Blackwell seconded and the motion passed to approve the Agreed Order for Nhi P. Le, M.D. with the modification to add a chart monitor and to delete ability to prescribe schedule II and III.**

After discussion, **Ms. Southard moved, Dr. Anderson seconded and the motion passed to approve the Agreed Order for Harold D. Lewis, D.O. as written.**

After discussion, **Dr. Price moved, Ms. Southard seconded and the motion passed to approve the Agreed Order for Jesse J. Mackey, M.D. as written.**

After discussion, **Dr. Oswalt moved, Dr. Anderson seconded and the motion passed to approve the Agreed Order for Sergio P. Maggi, M.D. once the following terms are added, a public reprimand, twenty hours of CME in the filed of liposuction and postoperative patient management, and the length of the order is extended by three years.**

After discussion, **Dr. Price moved, Dr. Anderson seconded and the motion passed to approve the Agreed Orders for the following: Howard F. Adelman, M.D.; Ronald R. Anderson, D.O.; Davill Armstrong, M.D.; James Browning, M.D.; Diana M. Collins, M.D.; Brian R. Davis, M.D.; Steven H. Farber, M.D.; James N. Fontenot, M.D.; Susan M. Garton, D.O.; Rodolfo Giraldi, M.D.; Richard Helmer, III, M.D.; Sayajirao Kodali, M.D.; Charles Liggett, Jr, M.D.; Alejandro Marquis, M.D.; Jeffrey P. Mays, M.D.; R. Douglas Rowley, M.D.; Kouji Takase, M.D.; Kenneth Tan, M.D.; Julie A. Traynham, D.O.; Kimberly Udell, D.O.; Ruth Wachendorfer, M.D.; Eduardo M. Wilkinson, M.D.; David M. McClellan, M.D.; Harold A. Tate, M.D.; Margaret Basiliadis, D.O.; Charles F. Bailey, Jr., M.D.; Felix Cherico, Jr., M.D.; Stefan Thiele, M.D.; Dana Phillips, M.D.; Pamela L. Johnson, M.D.; Carlos Arroyo, M.D; Ewa K. Stewart, M.D.; John R. Hall, D.O.**

Agenda item #10, Consideration and Approval of Administrative Orders. After discussion, **Dr. Anderson moved, Dr. Khan seconded, and the motion passed to approve the Administrative Orders as written for the following:** Laurence W. Cunningham, M.D.; Sadasivareddy Goli, M.D.; Mazin Khatebb, M.D.; Paul McDonough, M.D.; Kalu Ogbonnaya, M.D.; Stanton Packard, M.D.; John P. Schwartz, D.O.; Donna R. Becker, M.D. Dr. Kalafut recused herself in regards to Paul McDonough, M.D.

Agenda item #11, Consideration and Approval of Modification Request/Termination Request Orders. After discussion, **Dr. Anderson moved, Ms. Blackwell seconded, and the motion passed to approve the Modification Request/Termination Request Orders as written for the following:** Stephen Barnes, M.D.; Robert S. Bell, M.D.; Pramesh Dave, M.D.; Gary L. Heath, M.D.; Robert G. Ranelle, D.O.; Rick A. Boyles, M.D.; Khurso Rashid, M.D.; Ronald H. Brink, M.D.; Ricardo Rocha, M.D.; Robert Lonian, M.D. Dr. Kalafut recused herself in regards to Gary L. Heath, M.D.

Agenda item #12, Consideration and Approval of Nunc Pro Tunc Orders. Dr. Anderson moved, Mr. Turner seconded and the motion passed to approve the Nunc Pro Tunc Order as written for Edward C. Juarez, M.D.; Marisa Aguirre, M.D.; Oscar F. Qunitana, M.D.

Agenda item #13, Consideration and Approval of Mediated Settlement Agreed Orders. Mr. Turner moved, Dr. Anderson seconded and the motion passed to approve the Mediated Settlement Agreement Orders for the following: Rodney N. Dotson, M.D.; Ramiro Hernandez, M.D.

Agenda item #22, Appearance to speak before the board: Dr. John Jackson. Dr. Jackson (Chair, TMA Physician Health & Rehabilitation Program) appeared before the board along with Linda Kuhn (TMA PH&R Program Manager) to discuss TMAs physician health and rehabilitation program.

Agenda item #14, Consideration and Approval of Termination of Suspension Orders. Mr. Turner moved, Dr. Anderson seconded and the motion passed to approve the termination of the suspension orders for the following: Davill Armstrong, M.D.

There were no items for Agenda item #15 - #16.

Agenda Item #17, Report on Automatic Orders. Nancy Leshikar gave a report on Automatic Orders for the following: Robert R. Cassella, M.D.; Ernesto Rhodes, M.D.

There were no items for Agenda items #19 - #20.

Dr. Price moved, Mr. Turner seconded, and the motion passed to go into Executive Session at 12:05 p.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and deliberation concerning licensure applications, and/or disciplinary action under the authority of the Open Meetings Act, Government Code, 551.071 and 551.074; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, 152.009, 155.058, 160.006, and 164.007, and

164.203; and Attorney Generals Opinion No. H-484. Open session resumed at 12:25 p.m. and it was announced that no action was taken. A certified agenda was made.

Agenda Item #22, Public Hearing, Consideration, and possible action regarding Adoption of Proposed Rule Changes.

- A. **Chapter 161, General Provisions** 161.7, Executive Director Amendment. No one signed up to present oral comments. No written comments were received.
- B. **Chapter 166, Physician Registration.** No one signed up to present oral comments. No written comments were received.
- C. **Chapter 167, Reinstatement and Reissuance.** No one signed up to present oral comments. No written comments were received.
- D. **Chapter 170, Pain Management**
- E. **Chapter 175, Fees, Penalties, and Forms.** No one signed up to present oral comments. No written comments were received.
- F. **Chapter 177, Certification of Non-Profit Organization.** No one signed up to present oral comments. No written comments were received.
- G. **Chapter 187, Procedural Rules**

Mr. Turner moved, Dr. Price seconded, and the motion passed to adopt the proposed changes as written.

Discussion item #1, Consent Agenda. Dr. Price moved, Ms. Blackwell seconded, and the motion passed to approve Consent Agenda items A-B.

Discussion item #2, Committee reports and the consideration and approval of minutes and action items of committees meeting during the Board meeting.

Dr. Kalafut gave a report of the Executive Committee. **Dr. Kalafut moved, Dr. Price seconded, and the motion passed to approve the Executive Committee minutes and action items.**

Ms. Attebury gave a report of the Finance Committee meeting. **Mr. Turner moved, Dr. Benavides seconded, and the motion passed to approve the Finance Committee meeting minutes and action items.**

Dr. Arambula gave a report of the Licensure Committee meeting. After discussion, **Dr. Arambula moved and Ms. Attebury seconded and the motion passed to approve the Licensure Committee minutes.**

Dr. Anderson gave a report of the Disciplinary Process Review Committee. **Dr. Anderson moved, Ms. Blackwell seconded, and the motion passed to approve the Disciplinary Process Review Committee minutes and action items.**

The Legislative, Public Information, and Standing Orders Committees did not meet.

There being no further items the meeting adjourned at 1:41 p.m.