



# Texas Medical Board

BOARD MEETING  
333 GUADALUPE, TOWER 2, SUITE 225  
AUSTIN, TEXAS  
March 02, 2018

The meeting was called to order on Friday, March 02, 2018 at 8:03 a.m. by Board President, Sherif Z. Zaafran, M.D. Board members present were: Michael E. Cokinos, Secretary/Treasurer, Frank S. Denton, Kandace B. Farmer, D.O., John R. Guerra, D.O., Jeffrey Luna, M.D, Margaret McNeese, M.D., LuAnn Morgan, Surendra Varma, M.D. and Timothy Webb, J.D. J. Scott Holliday, D.O., Vice-President arrived at 8:25 a.m. Julie Attebury, Paulette Southard, Jayaram B. Naidu, M.D. and Karl W. Swann, M.D. were absent. Board staff present were: Scott Freshour, J.D., Interim Executive Director and General Counsel, Robert Bredt, M.D., Medical Director, Megan Goode, Governmental Affairs and Public Information Manager, and the Assistant General Counsels, Amy Swanholm, J.D., Rob Blech, J.D., Sarah Tuthill, J.D., Yvette Yarbrough, J.D. and Wendy Pajak, J.D., and various other staff.

**Agenda item #1, Mission Statement.** Dr. Zaafran read the board's mission statement into the minutes. *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.*

## **Agenda item #2, Board Member Report.**

**a. Innovation Task Force** Dr. Zaafran discussed the Innovation Task Force Committee and gave an overview of what to expect with the Task Force, which will be led by Ms. Morgan. One of the committees' main focuses will be on customer service.

**b. Personnel Matters.** Delayed to a later time.

**Agenda item #3, Consideration and approval of Mediated Settlement Agreed Orders.** After consideration, **Dr. Varma moved, Dr. McNeese seconded, and the motion passed to approve the Mediated Settlement Agreed Order for: Jeffrey K. Gilbertson, M.D.; Erica N. Grant, M.D.; Lane Sebring, M.D.; Robert L. Stroud, M.D.; Hernan E. Miranda, M.D.; Alejandro F. Marquis, M.D.; Zanhua Yi, M.D.; Gregory S. Burzynski, M.D.; Daniel L. Koppersmith, M.D.; Mayank Pandya, M.D. and Joseph H. Zadeh, M.D.**

**Agenda item #4, Consideration and approval of Remedial Plans.** After consideration, **Ms. Morgan moved, Dr. Farmer seconded, and the motion passed to approve the Remedial Plan for Sara A. Westgate, M.D.** After consideration, **Dr. Luna moved, Dr. Guerra seconded, and the motion passed to approve the Remedial Plan for Clayton A. Frenzel, D.O.**

After further consideration, **Dr. Varma moved, Mr. Cokinos seconded, and the motion passed to approve the Remedial Plans en masse for: Yasir Ahmed, M.D.; Carlos A. Barba, M.D.; Shawn D. Burton, M.D.; Carlton K. Clarke, M.D.; Alexander F. Drtil, M.D.; Manuel J. Gonzalez, M.D.; David P. Hill, D.O.; Adnan J. Hussein, M.D.; Jeremy W. Johnson, M.D.; Graciela M. Leija, M.D.; Roger J. Lunke, M.D.; Carle C. Mayhew, III, M.D.; Vahid Mirafzali, M.D.; Miguel A. Moreno, M.D.; Daniel Peterson, M.D.; Marcus D. Smith, Sr., M.D.; Michael J. Walls, M.D.; John A. Watring, D.O.; Edward Chaum, M.D.; Emmanuel C. Anekwe, M.D.; Thaddeus H. Ashmore, M.D.; Danny Chan, M.D.; Amy Lungreen, M.D.; Robert Terrill, M.D.; Pornthep Wattanammano, M.D.; Melissa G. Winn, M.D.; Jorge A. De La Chapa, M.D.; Emmanuel A. De La Cruz, M.D.; Charles C. Gregory, D.O.; Lenny Q. Jue, M.D.; Steven X. Nguyen, M.D.; Shanti Powell, M.D.; Husna Iqbal, M.D. and Sahar Avestimehr, M.D.**

**Agenda item #5, Consideration and possible action for Agreed Board Orders.** After consideration, **Ms. Morgan moved, Mr. Cokinos seconded, and the motion passed to approve the Agreed Order as presented for Mohammad R. Fazel, M.D.**

After consideration, **Mr. Cokinos moved, Ms. Morgan seconded, and the motion passed to approve the Agreed Order as presented for Christine A. Contreras, M.D.**

After consideration, **Dr. Varma moved, Mr. Webb seconded, and the motion passed to approve the Agreed Order for Ira Lee Thomas IV, M.D., with a modification to add a public reprimand.**

After consideration, **Mr. Cokinos moved, Dr. Guerra seconded, and the motion passed to approve the Agreed Order with the modification to add chart monitoring for eight cycles for Sang Bai Joo, M.D.**

After consideration, **Mr. Webb moved, Ms. Morgan seconded, and the motion passed to approve the Agreed Orders en masse for: Cesar P. Ducalir, M.D.; Pedro E. Garcia, Jr. M.D.; Tarakumar B. Reddy, M.D.; Robert L. True, M.D.; David L. Vanderheiden, M.D.; James G. Claus, M.D.; Joseph M. Cohn, M.D.; Jeffrey D. Cone, M.D.; Carl W. Gossett, M.D.; Melissa Y. Macias, M.D.; James P. Stanton, M.D.; Myrna B. Tucker, M.D.; David L. Vermillion, M.D.; Alan J. Walters, Jr., M.D.; Daniel T. Chang, M.D.; Vinson M. Disanto, D.O.; Taysir Jarrah, M.D.; Brooks C. Michaels, M.D.; Jeffrey A. Saunders, M.D.; Edward Chao Hung Teng, M.D.; Stephen D. Watson, M.D.; Wu Zhuge, M.D.; Michelle Daryanani, D.O.; Carlos E. Hernandez, M.D.; Kolawole A. Odulaja, M.D.; Kanubhai Patel, M.D. ; Norman J. McCall, M.D.; Franklin See-Lai Yau, M.D.; Petros K. Chapanos, M.D. and Sean Burgest, M.D.**

**Agenda item #6, Consideration and approval of Modifications Request/ Termination Request Orders.** After consideration, **Ms. Morgan moved, Dr. Luna seconded, and the motion passed to approve the Modification Request Order Granted for William M. Gregory, M.D., with modification to refer to PHP for further evaluation and consideration of possible action.**

After consideration, **Mr. Denton moved, Dr. Holliday seconded, and the motion passed to withdraw the order for #2 and bring back to ISC, due to the respondent being out of compliance.**

After consideration, **Dr. Varma moved, Mr. Webb seconded, and the motion passed to approve the Modification Request Order Granted for: Jeffrey Klem, M.D.; Nick J. Patzakis, D.O. and Raul P. Rodriguez and the Termination Request Order Granted for: Yassar I. Ahmed, M.D.; Dennis D. Cantu, M.D.; Manon E. Childers, III, M.D.; James H. Elder, III, D.O.; Nicole M. Ellison, M.D.; Harold Fain, M.D.; Thomas O. Gore, M.D.; William N. Hawkins, M.D.; Melanie B. Ilich, M.D.; David G. Morrison, M.D.; Amy E. Mulroy, M.D.; Cwanza A. Pinckney, M.D.; Mary Rosenquist, D.O.; Judi Ann Shaw-Rice, M.D.; Daniel Theesfeld, M.D.; Stefan P. Thiele, M.D. and Sabrina M. Echols-Elliot, M.D. and the Termination Request Denied for Charles L. Poteet, Jr., M.D. and Walter J. Zawislak, M.D.**

**Agenda item #7, Consideration and approval of Cease and Desist Agreed Orders.** After consideration, **Dr. Varma moved, Dr. Luna seconded, and the motion passed to approve the Agreed Cease and Desist Order for Alfredo Gonzales-Angeles and Alejandro De La Rosa.**

There were no items for Agenda item #8.

**Agenda item #2, Board Member Report (cont'd).**

**b. Personnel Matters.** After discussion, **Dr. Zaafran moved, Mr. Cokinos seconded, and the motion passed to go into Executive Session at 8:43 a.m. for deliberations concerning personnel matters under the authority of the Open Meetings Act Section 551.074, Government Code.** Open session resumed at 9:20 a.m. and it was announced that no action was taken. A certified agenda was made. The Executive search committee has been tasked with searching for a new permanent director. After discussion, **Dr. Zaafran moved, Dr. Varma seconded, and the motion passed to call for a special meeting of the Medical Board within the next 30-45 days to discuss the vacant position of Executive Director.**

**Agenda Item #9 at 9:00 a.m., Consideration and approval of Determinations of Default:**

**Jeannie Owens Rhodes, D.O., SOAH #503-16-5730.** Jerry Bergman, staff attorney, was present and gave a presentation. Jeannie O. Rhodes, D.O. was not present. No one was present to represent Dr. Rhodes. After discussion, **Dr. McNeese moved, Ms. Morgan seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Determinations of Default for Jeannie O. Rhodes, D.O, and to adopt the staff's suggested final order for revocation.**

**Agenda Item #10 at 9:15 a.m., Consideration and approval of Proposal for Decisions:**

**a. Craig Brian Danshaw, D.O., SOAH #503-16-6170.** DO Mr. Palazola, Litigation Manager, gave a brief procedural background. Craig B. Danshaw, D.O., was not present. No one

was present to represent Dr. Danshaw. After discussion, **Ms. Morgan moved, Dr. Guerra seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Craig B. Danshaw, D.O., and to adopt the staff suggested final order of dismissal.** Board directed staff to list SOAH dismissals in the newsletter starting with previous board meeting and going forward.

**b. Arnold J. Morris, M.D., SOAH #503-15-5454.M.D.** Ms. Yarbrough, Assistant General Counsel, gave a brief procedural background. Michelle McFaddin, J.D., staff attorney, was present. Respondent, Arnold J. Morris, M.D., was present. Laurie York, J.D. and Representative Bill Zedler were present representing Dr. Morris. Ms. McFaddin, Ms. York, Dr. Morris and Mr. Zedler made presentations. After discussion, **Dr. Zaafran moved, Dr. Luna seconded, and the motion passed to go into Executive Session at 10:22 a.m. for 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.** Open session resumed at 10:55 a.m. and it was announced that no action was taken. A certified agenda was made. After discussion, **Mr. Webb moved, Dr. Varma seconded, and the motion passed to adopt the Findings of Fact, the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Arnold J. Morris, M.D. , and to adopt the staff's suggested final order with the modification of immediately suspending license except for the purposes of accomplishing a competency evaluation through K STAR or PACE, immediately surrender all DEA registration indefinitely, must wait a year to appear before the board before applying for a DEA license and will also be required to report back to ISC after an evaluation to have the suspension lifted.**

**d. Nora J. Davis, M.D., SOAH #503- 17-0949.M.D.** Ms. Swanholm, Assistant General Counsel, gave a brief procedural background. Johnathan Stone, J.D., staff attorney, was present. Respondent, Nora J. Davis, M.D., was present. Louis Leichter, J.D., was present to represent Dr. Davis. Both Mr. Stone and Mr. Leichter made presentations. After discussion, **Dr. Luna moved, Ms. Morgan seconded, and the motion passed to go into Executive Session at 11:19 a.m. for 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. The motion was seconded. After a vote, the motion passed.** Open session resumed at 11:31 a.m. and it was announced that no action was taken. A certified agenda was made. After further consideration, **Dr. Luna moved, Mr. Webb seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Nora Davis M.D., and to adopt the staff's suggested final order to include the possibility of modification after one year.**

**c. Bernice Anderson, D.O., SOAH #503-17-0693.D.O.** Ms. Pajak, Assistant General Counsel, gave a brief procedural background. Michelle McFaddin, J.D., staff attorney, was present. Respondent, Bernice Anderson, D.O., was not present. Mark Weitz, J.D., was present to represent Dr. Anderson. Both Ms. McFaddin and Mr. Weitz made presentations. Mr. Palazola gave a brief rebuttal. After discussion, **Dr. Varma moved, Dr. Farmer seconded, and the motion passed that the Board adopt the Findings of Fact and Conclusions of Law of the**

**Administrative Law Judge in the Proposal for Decision for Bernice Anderson, D.O. and to adopt the staff's suggested final order.** Dr. Holliday and Dr. Guerra opposed.

**Dr. Zaafran moved, Mr. Webb seconded, and the motion passed to go into Executive Session at 12:04 p.m. for 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. The motion was seconded.** After a vote, the motion passed. Open session resumed at 12:13 p.m. and it was announced that no action was taken.

**e. Rosa A. Fuentes, M.D., SOAH #503-16-6172.MD** Ms. Tuthill, Assistant General Counsel, gave a brief procedural background. Susan Rodriguez, J.D., staff attorney, was present. Respondent, Rosa A. Fuentes, M.D., was not present. Brian H. Tew was present to represent Dr. Fuentes. Both Ms. Rodriguez and Mr. Tew made presentations. **Mr. Webb moved, Mr. Cokinos seconded, and the motion passed to go into Executive Session at 12:40 p.m. for 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. The motion was seconded.** After a vote, the motion passed. Open session resumed at 12:48 p.m. and it was announced that no action was taken.

After consideration, **Mr. Webb moved, Mr. Cokinos seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Rosa A. Fuentes, M.D., and to adopt the staff's suggested final order with the exception of chart monitoring provision.** Dr. Holliday and Ms. Morgan opposed.

**f. Noble Uwaoma Ezukanma, M.D., SOAH #503-17-5636.MD** Michelle McFaddin, J.D., staff attorney, was present. Respondent, Noble Uwaoma Ezukanma, M.D., was not present. No one was present to represent Dr. Ezukanma. Ms. McFaddin gave a presentation. After consideration, **Dr. Varma moved, Dr. Holliday seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Noble Uwaoma Ezukanma, M.D., and to adopt the staff's suggested final order for revocation.**

**g. Walid Hamoudi, M.D., SOAH #503-17-5688.MD** Nancy Elmilady, J.D., staff attorney, was present. Respondent, Walid Hamoudi M.D. was not present. No one was present to represent Dr. Hamoudi. Ms. Elmilady gave a presentation. After consideration, **Mr. Webb moved, Dr. Holliday seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Walid Hamoudi, M.D., and to adopt the staff's suggested final order for revocation.**

**h. Cyrus Sajadi, M.D., SOAH #503-17-5688.MD** Johnathan Stone, J.D., staff attorney, was present. Respondent, Cyrus Sajadi, M.D., was not present. No one was present to represent Dr. Sajadi. Mr. Stone gave a presentation. After further consideration, **Ms. Morgan moved, Mr. Cokinos seconded, and the motion passed to adopt the Findings of Fact and the Conclusions**

**of Law of the Administrative Law Judge in the Proposal for Decision for Cyrus Sajadi, M.D., and to adopt the staff's suggested final order for revocation.**

**Agenda item #29, Discussion, recommendation, and possible action regarding proposed rule amendments and rules review to 22 T.A.C.**

- §198. Standards for Use of Investigational Agents

Mr. Freshour gave an overview on HB 810. During the committee meeting held on March 1, 2018, the Institutional Review Board (IRB) Ad Hoc Committee approved publishing the proposed rule amendments and rule review for publication in the Texas Register for public comment. Informational item only.

**Agenda item #30, Discussion, recommendation, and possible action regarding the adoption of proposed amendments and rule review to 22 Texas Administrative Code:**

- A. Chapter 163, Licensure
  - §163.11 Active Practice of Medicine
- B. Chapter 166. Physician Registration
  - §166.3 Retired Physician Exception
  - §166.6 Exemption From Registration Fee for Retired Physician Providing Voluntary Charity Care
- C. Chapter 172. Temporary and Limited Licenses
  - §172.12 Out-of-State Telemedicine License
- D. Chapter 175. Fees and Penalties
  - §175.1 Fees
  - §175.2 Registration and Renewal Fees
  - §175.3 Penalties
  - §175.5 Payment of Fees or Penalties
- E. Chapter 177, Business Organizations and Agreements,
  - §177.18 (Subchapter E) Physician call coverage medical services
  - §177.19 Definitions
  - §177.20 Call Coverage Minimum Requirements
- F. Chapter 187, Procedural Rules
  - §187.21 Informal Board Proceedings – Board and District Review Committee Members Participation
  - §187.44 Proceedings Related to Probationers – Probationer Show Compliance Proceedings

- §187.76 Imposition of Administrative Penalty – Notice of Intention to Impose Administrative Penalty; Response
  - §187.79 Imposition of Administrative Penalty – Personal Appearance at an Informal Meeting
  - §187.80 Imposition of Administrative Penalty – Imposition of Administrative Penalty
- G. Chapter 189 Compliance Program
- §189.11 Process for Approval of Physicians, Other Professionals, Group Practices and Institutional Settings

**Chapter 163, Licensure, §163.11 Active Practice of Medicine.** Ms. Tuthill, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. No one signed in to present oral comments. No written comments were received. After discussion, **Dr. Zaafran moved, Ms. Morgan seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. Chapter 163 Licensure, §163.11 Active Practice of Medicine and approve publication in the Texas Register.** The Board directed staff to have a stakeholder meeting to adopt rules around mechanisms of opting out of Maintenance of Certification (MOC).

**Chapter 166, Physician Registration, §166.3 Retired Physician Exception and §166.6 Exemption From Registration Fee for Retired Physician Providing Voluntary Charity Care.** Ms. Tuthill, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. No one signed in to present oral comments. Written comments were received and reviewed. After discussion, **Dr. Zaafran moved, Dr. Varma seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. Chapter 166, Physician Registration, §166.3 Retired Physician Exception and §166.6 Exemption From Registration Fee for Retired Physician Providing Voluntary Charity Care and approve publication in the Texas Register.** The Board directed staff to address retirement clarification in the FAQ.

**Chapter 172, Temporary and Limited Licenses, §172.12 Out-of-State Telemedicine License.** Ms. Tuthill, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. No one signed in to present oral comments. No written comments were received. After discussion, **Dr. Varma moved, Mr. Webb seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. Chapter 172, Temporary and Limited Licenses, §172.12 Out-of-State Telemedicine License and approve publication in the Texas Register.**

**Chapter 175, Fees and Penalties, §175.1 Fees, §175.2 Registration and Renewal Fees, §175.3 Penalties and §175.5 Payment of Fees or Penalties.** Ms. Pajak, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. No one signed in to present oral comments. No written comments were received. After discussion, **Dr. Holliday moved, Dr. Guerra seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. Chapter 175, §175.1 Fees, §175.2 Registration and Renewal Fees, §175.3 Penalties, and §175.5 Payment of Fees or Penalties and approve publication in the Texas Register.**

**Chapter 177, Business Organizations and Agreements, §177.18 Physician call coverage medical services, §177.19 Definitions and §177.20 Call Coverage Minimum Requirements.** Ms. Tuthill, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. No one signed in to present oral comments. No written comments were received. After discussion, **Dr. Holliday moved, Mr. Cokinos seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. Chapter 177, Business Organizations and Agreements, §177.18 Physician call coverage medical services, §177.19 Definitions, and §177.20 Call Coverage Minimum Requirements and approve publication in the Texas Register.**

**Chapter 187, Procedural Rules, §187.21 Informal Board Proceedings – Board and District Review Committee Members Participation, §187.44 Proceedings Related to Probationers – Probationer Show Compliance Proceedings, §187.76 Imposition of Administrative Penalty – Notice of Intention to Impose Administrative Penalty; Response, §187.79 Imposition of Administrative Penalty – Personal Appearance at an Informal Meeting, and §187.80 Imposition of Administrative Penalty – Imposition of Administrative Penalty.** Ms. Pajak, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. No one signed in to present oral comments. Written comments were received and reviewed. After discussion, **Dr. Holliday moved, Ms. Morgan seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. Chapter 187 Procedural Rules, §187.21 Informal Board Proceedings – Board and District Review Committee Members Participation, §187.44 Proceedings Related to Probationers – Probationer Show Compliance Proceedings, §187.76 Imposition of Administrative Penalty – Notice of Intention to Impose Administrative Penalty; Response, §187.79 Imposition of Administrative Penalty – Personal Appearance at an Informal Meeting, and §187.80 Imposition of Administrative Penalty – Imposition of Administrative Penalty and approve publication in the Texas Register.**

**Chapter 189, Compliance Program, §189.11 Process for Approval of Physicians, Other Professionals, Group Practices and Institutional Settings.** Ms. Pajak, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. No one signed in to present oral comments. No written comments were received. After discussion, **Dr. Holliday moved, Mr. Webb seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. §189.11 Process for Approval of Physicians, Other Professionals, Group Practices and Institutional Settings and approve publication in the Texas Register.**

**Agenda item #31, Discussion, recommendation, and possible action regarding proposed rule amendments and rule review to 22 T.A.C. Chapter 183, Acupuncture.**

- §183.4 Licensure
- §183.19 Acupuncture Advertising
- §183.20 Continuing Acupuncture Education.



Ms. Pajak, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. No one signed in for oral comments. No written comments were received. After discussion, **Dr. Varma moved, Dr. Farmer seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. Chapter 183, Acupuncture, §183.4 Licensure, §183.19 Acupuncture Advertising, and §183.20 Continuing Acupuncture Education. Medical Physicists and approve publication in the Texas Register.**

There were no items for **Agenda item #32.**

**Agenda item #33, Discussion, recommendation, and possible action regarding proposed rule amendments and rule review to 22 T.A.C. Chapter 194, Medical Radiologic Technology.**

- §194.3 Meetings and Committees
- §194.5 Applicability of Chapter; Exemptions
- §194.6 Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board's Non-Certified Technician General Registry
- §194.14 Alternate Training Requirements for Podiatric Medical Assistants (Repeal)
- §194.16 Hardship Exemptions
- §194.17 Dangerous or Hazardous Procedures

Ms. Tuthill, Assistant General Counsel, presented a brief summary and review of the proposed rules for adoption. No one signed in for oral comments. No written comments were received. After discussion, **Dr. Holliday moved, Dr. Guerra seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. Chapter 194 Medical Radiologic Technology, §194.3 Meetings and Committees, §194.5 Applicability of Chapter; Exemptions, §194.6 Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board's Non-Certified Technician General Registry, §194.14 Alternate Training Requirements for Podiatric Medical Assistants (Repeal), §194.16 Hardship Exemptions, and §194.17 Dangerous or Hazardous Procedures and approve publication in the Texas Register.**

**Agenda item #34, Discussion, recommendation, and possible action regarding proposed rule amendments and rule review to 22 T.A.C. Chapter 186, Respiratory Care.**

- §186.2 Definitions
- §186.4 Procedural Rules and Qualifications for Certificate Applicants
- §186.6 Biennial Renewal of Certificate
- §186.7 Temporary Permit
- §186.8 Inactive Certificate
- §186.10 Continuing Education Requirements
- §186.13 Identification Requirements
- §186.17 Grounds for Denial of Certification and for Disciplinary Action
- §186.28 Retired Certificate

Ms. Yarbrough, Assistant General Counsel, presented a brief summary and review of the proposed rule amendments. No one signed in for oral comments. No written comments were received. After discussion, **Ms. Morgan moved, Mr. Webb seconded, and the motion passed to approve to publish the proposed amendments to 22 T.A.C. Chapter 186, Respiratory Care, §186.2 Definitions, §186.4 Procedural Rules and Qualifications for Certificate Applicants, §186.6 Biennial Renewal of Certificate, §186.7 Temporary Permit, §186.8 Inactive Certificate, §186.10 Continuing Education Requirements, §186.13 Identification Requirements, §186.17 Grounds for Denial of Certification and for Disciplinary Action, and §186.28 Retired Certificate and approve publication in the Texas Register.**

### **Consent Agenda**

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

1. Consideration and approval of the December 08, 2017 Board Meeting Minutes and action items. **Dr. McNeese moved, Mr. Webb seconded, and the motion passed to approve the December 08, 2017 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. **Dr. McNeese moved, Mr. Webb seconded, and the motion passed to approve the meeting minutes and action items.**

**Agenda item #14, Discussion, recommendation, and possible action relating to executive director position.** This agenda item was discussed during Board Member Report.

**Agenda item #15, Discussion, recommendation, and possible action relating to TMB website linking policy and continuing medical education.** Mr. Freshour presented the website linking policy which documents the Texas Medical Board's policy on the linking between TMB and third-party websites. The policy helps ensure information on TMB's site benefits the public, site visitors can be confident content is reliable. Ms. Goode gave an update on specific CME activity, located in our bulletins, which have been requested by Sunset Management. After discussion, **Dr. Varma moved, Dr. McNeese seconded, and the motion passed to approve TMB website linking policy.** The Board directed staff to publish this link on the TMB website.

### **Agenda item #11, Executive Director Report.**

**Personnel Update.** None.

**Budget Update.** Ms. Corrales presented and reviewed the budget. Ms. Corrales reported projected expenditures and revenue are in good standing and on target for the year.

**Legislative Update.** Ms. Goode gave an update on the current Sunset process and interim legislative charges.

**Audit Update.** Ms. Goode provided an update on the internal audit process and presented the internal audit plan for FY 18. The auditors, based on the risk assessment, determined that the audit topic will be Physician Health Program. The Board directed staff to set an

agenda item for the next board meeting to provide the status of the audit over the Physician Health Program.

**Dental Board Anesthesia rules.** Dr. Zaafran discussed the Dental Board's proposed rules on anesthesia. After discussion, **Dr. Zaafran moved, Dr. Luna seconded, and the motion passed to provide a written public comment to the Dental Board regarding "setting the floor" at the age of two for anesthetics.** Mr. Denton abstained from the vote. The Board directed staff to look at guidelines with regards to the risk of pulmonary issues involved at the age of two.

**Agenda item #12, Medical Director Report.** Dr. Bredt reported that there are currently 579 expert panelists and DPRC approved 21 new experts. Dr. Bredt requested suggestions for expert panelists in the areas of pediatric specialists (pediatric neurology, pediatric oncology, and neurosurgery), oncology, pain management, family practice and internal medicine.

**Agenda item #13, Public Information Update.** Ms. Goode gave an overview on LLAMAS, an online application tool that has been created by IT. This will allow for applications to be uploaded, and applicants can check on the status of their applications.

**Agenda item #16, Report of dismissal of SOAH cases in the agency bulletin.** This agenda item was discussed during agenda item #10, Consideration and approval of Proposal for Decisions and direction was given to staff to list SOAH dismissals in the newsletter starting with previous board meeting and going forward.

There were no items for **Agenda item #17.**

**Agenda item #18, Consideration and possible action regarding pending litigation.** Mr. Freshour gave a brief litigation update.

**Agenda item #19, Report on Temporary Suspension Hearings.** Mr. Freshour gave a report on the Temporary Suspensions hearings for David L. Vermillion, M.D.; Joshua K. Kern, M.D.; Lisa D. Hooper, M.D.; Daalon B. Echols, M.D.; Petros K. Chapanos, M.D.; Joshua K. Kern, M.D.; Jeffrey Cone, M.D.; Oscar Quintana, M.D.; Jason Evans, M.D.; Joseph M. Cohn, M.D.; Philip L. Kelton, M.D. and Myrtle Oates, M.D.

There were no items for **Agenda item #20.**

**Agenda item #21, Report on Motions for Rehearing Requests.** Mr. Freshour gave a brief report of the rehearing.

**Agenda item #22, Report on Report on Cease and Desist Orders approved by Executive Director.** Mr. Freshour gave a brief report of cease and desist orders.

There were no items for **Agenda item #23-28.**

**Agenda item #35, Open forum for public comments at 11:30 a.m.** Connie Stuppy signed in and presented public comments.

**Agenda item #36, Adjourn.** There being no further agenda items, **Mr. Cokinos moved, Ms. Morgan seconded, and the motion passed to adjourn the meeting at 1:48 p.m.**