



**TEXAS PHYSICIAN ASSISTANT BOARD
BOARD MEETING
March 7, 2014**

The meeting was called to order at 10:50 a.m. by Margaret K. Bentley, Presiding Officer. Board members present were Reginald C. Baptiste, M.D.; Anna Chapman; Linda Contreras, PA-C; Jason P. Cooper, PA-C; Teralea Jones, PA-C; Felix Koo, M.D.; Michael Reis, M.D and Stanley Wang, M.D, liaison from the Medical Board. R. Blayne Rush was not present. Staff members present were Mari Robinson, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Tonie Knight, Licensure Manager; Megan Goode, Governmental Affairs and Communications Manager; Sarah Tuthill, J.D., Assistant General Counsel; and Wendy Pajak, J.D. Assistant General Counsel.

The board's mission statement was read: *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. Ms. Bentley introduced and welcomed new board member, Jason Cooper, PA-C.

Agenda item #3, Executive Director's Report.

Legislative update. Ms. Robinson reviewed upcoming agency reporting requirements; staff is drafting the Strategic Plan.

Audit update. Ms. Robinson indicated that a standard risk management audit would be conducted in late April; the report will be given at a later meeting.

Outreach Update and communications. Ms. Robinson reported by the end of the academic year all of the physician assistant programs in the state will have received a presentation.

Outreach Survey. Recent outreach survey results were reviewed.

Personnel Update. Ms. Robinson discussed the increase in Licensure applications and the additional staff hired to address the rise.

Training retreat. Ms. Robinson proposed a retreat to cover yearly board member training. **The board directed staff to split the training on two dates after the next two board meetings and attempt to record the presentation for those not able to attend.**

There were no items for Agenda item #4.

Agenda item #5, Budget update. Ms. Robinson reported the budget was on track and excess amount of money is not expected at this time.

Agenda item #6, Report Medical Board/Physician Assistant Liaison. Dr. Wang gave a report of the February 7, 2014 Medical Board meeting.

Agenda item #8, Consideration and possible action regarding pending litigation. Mr. Freshour gave an update of pending open records request cases and pending litigation.

Agenda item #7, Discussion, recommendation, and possible action regarding the process for remedial plans. After Ms. Robinson reviewed the process used by the Medical Board for remedial plans and waivers, the board directed staff to use the same process for physician assistants.

Agenda item #9, Consideration and possible action for Proposal for Decision. D. Lea Mallison, P.A., SOAH #503-11-7762. Nycia Deal, J.D., staff attorney was present. D. Lea Mallison, PA, was present with representation by attorneys, Timothy Weitz, J.D., and Jeff McDonald, J.D. Ms. Deal gave a presentation. Mr. Weitz gave a presentation. Ms. Deal gave a presentation. After discussion, **Mr. Cooper moved, Dr. Baptiste seconded, and the motion passed to go into Executive Session at 11:36 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 Code.** The executive session ended at 12:03 pm on March 7, 2014. There was no final action, decision, or vote with regard to any matter considered or discussed in executive session. A certified agenda of the executive session was made.

After discussion, **Dr. Baptiste moved, Ms. Chapman seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law recommended by the Administrative Law Judge in the Proposal for Decision for D. Lea Mallison, P.A., and to adopt the Final Order filed by board staff as written.**

Agenda item #10, Consideration and approval of Determinations of Default. Jose A. Perez, P.A., SOAH #503-12-1940.PA. Lee Bukstein, J.D., staff attorney was present and gave a presentation. Jose Perez, P.A., did not appear and no one appeared on his behalf. After discussion, **Dr. Koo moved, Dr. Baptiste seconded, and the motion passed to approve the Determination of Default Order for Jose A. Perez, P.A.**

There were no items for Agenda items #11-12.

Agenda item #13, Consideration and Approval of Agreed Board Orders. Dr. Koo was recused for consideration of Eric I. Hettler, PA. After discussion, **Dr. Baptiste moved, Ms. Chapman seconded, and the motion passed to approve the Agreed Orders for Mark A. Gordon, P.A.; Douglas Griffith, P.A.; Eric I Hettler, P.A.; Christopher Montoya, P.A.;**

Emmanuel Nwadeyi, P.A.; David Rodriguez, P.A.; and Michele L. Woodford, P.A., as written.

There were no items for Agenda item #14-17.

Agenda item #18, Consideration and Approval of Remedial Plans. After discussion, **Dr. Baptiste moved, Mr. Cooper seconded, and the motion passed to approve the Remedial Plan for Elisa M. Gerdes, PA.**

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

Agenda item #21, Consideration and Approval of Cease and Desist Orders. After discussion, **Dr. Baptiste moved, Dr. Koo seconded, and the motion passed to approve the Cease and Desist Order for Rudy Rivera.**

Agenda item #22, Discussion, recommendation, and possible action, including approval for publication as notice of proposed rule in the Texas Register, for proposed amendments to 22 T.A.C. Chapter 185:

§185.16. Employment Guidelines
§185.28. Emeritus retired status

§185.28. Emeritus retired status. Ms. Tuthill gave a brief summary of the proposed amendments to §185.28. Emeritus retired status. Written comments were received. No one signed in to present oral comments. After discussion, **Dr. Reis moved, Dr. Baptiste seconded, and the motion passed to approve the proposed amendments to 22 T.A.C. Chapter 185, §185.28. Emeritus retired status, for publication as notice of proposed rule in the Texas Register, for public comment.**

§185.16. Employment Guidelines. Ms. Tuthill gave a brief summary of the proposed amendments to §185.16. Employment Guidelines. After discussion, **the board directed staff to gather additional information for a stakeholder meeting.**

Agenda item #23, Discussion, recommendation, and possible action, including adoption of proposed amendment to 22 T.A.C. Chapter 185, Physician Assistants:

§185.2. Definitions
§185.4. Procedural Rules for Licensure Applicants
§185.10. Physician Assistant Scope of Practice
§185.11. Tasks Not Permitted to be Delegated to a Physician Assistant
§185.13. Notification of Intent to Practice and Supervise
§185.14. Physician Supervision
§185.30. Prescriptive Authority Agreements
§185.31 Prescriptive Authority Agreements: Minimum Requirements

§185.2. Definitions. Ms. Tuthill gave a brief summary of the proposed amendments to §185.2. Definitions, as published in the Texas Register for public comment. No written comments were received. No one signed in to present oral comments. **Dr. Baptiste moved, Dr. Koo seconded, and the motion passed to approve the proposed**

amendments to 22 T.A.C. Chapter 185, Physician Assistants, §185.2. Definitions, as published, and to refer to the Texas Medical Board for adoption.

§185.4. Procedural Rules for Licensure Applicants. Ms. Tuthill gave a brief summary of the proposed amendments to §185.4. Procedural Rules for Licensure Applicants, as published in the Texas Register for public comment. No written comments were received. No one signed in to present oral comments. **Dr. Baptiste moved, Dr. Koo seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 185, Physician Assistants to §185.4. Procedural Rules for Licensure Applicants, as published, and to refer to the Texas Medical Board for adoption.**

§185.10. Physician Assistant Scope of Practice. Ms. Tuthill gave a brief summary of the proposed amendments to §185.10. Physician Assistant Scope of Practice, as published in the Texas Register for public comment. No written comments were received. No one signed in to present oral comments. **Dr. Reis moved, Mr. Cooper seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 185, Physician Assistants, §185.10. Physician Assistant Scope of Practice, as published, and to refer to the Texas Medical Board for adoption.**

§185.11. Tasks Not Permitted to be Delegated to a Physician Assistant. Ms. Tuthill gave a brief summary of the proposed amendments to §185.11. Tasks Not Permitted to be Delegated to a Physician Assistant, as published in the Texas Register for public comments. No written comments were received. No one signed in to present oral comments. **Dr. Reis moved, Mr. Cooper seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 185, Physician Assistants, §185.11. Tasks Not Permitted to be Delegated to a Physician Assistant, as published, and to refer to the Texas Medical Board for adoption.**

§185.13. Notification of Intent to Practice and Supervise. Ms. Tuthill gave a brief summary of the proposed amendments to §185.13. Notification of Intent to Practice and Supervise, as published in the Texas Register for public comments. No written comments were received. No one signed in to present oral comments. **Dr. Koo moved, Ms. Delaney seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 185, Physician Assistants, §185.13. Notification of Intent to Practice and Supervise, as published, and to refer to the Texas Medical Board for adoption.**

§185.14. Physician Supervision. Ms. Tuthill gave a brief summary of the proposed amendments to §185.14. Physician Supervision as published in the Texas Register for public comments. No written comments were received. No one signed in to present oral comments. **Dr. Baptiste moved, Dr. Koo seconded, and the motion passed to approve proposed amendment to 22 T.A.C. Chapter 185, §185.14. Physician Supervision, as published, and to refer to the Texas Medical Board for adoption.**

§185.30. Prescriptive Authority Agreements. Ms. Tuthill gave a brief summary of the proposed amendments to §185.30. Prescriptive Authority Agreements, as published in the Texas Register for public comments. No written comments were received. No one signed in to present oral comments. **Dr. Koo moved, Dr. Baptiste seconded, and the**

motion passed to approve proposed amendment to 22 T.A.C. Chapter 185, §185.30. Prescriptive Authority Agreements, as published, and to refer to the Texas Medical Board for adoption.

§185.31 Prescriptive Authority Agreements: Minimum Requirements. Ms. Tuthill gave a brief summary of the proposed amendments to §185.31 Prescriptive Authority Agreements: Minimum Requirements, as published in the Texas Register for public comments. No written comments were received. No one signed in to present oral comments. **Dr. Koo moved, Dr. Baptiste seconded, and the motion passed to approve proposed amendment to 22 T.A.C. Chapter 185, §185.31 Prescriptive Authority Agreements: Minimum Requirements, as published, and to refer to the Texas Medical Board for adoption.**

Agenda item #24, Open Forum for Public Comments. Todd Pickard, Texas Association of Physician Assistants, presented public comments. James Delaney, P.A., immediate past president of the American Academy of Physician Assistants, presented public comments.

Agenda item #25 Consideration and Approval of the November 22, 2013 Board Meeting Minutes. After discussion, **Dr. Baptiste moved, Dr. Koo seconded, and the motion passed to approve the November 22, 2013 Physician Assistant Board Meeting Minutes.**

Agenda item #26 Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Ms. Chapman gave a report of the Discipline and Ethics Committee. **Ms. Chapman moved, Dr. Baptiste seconded, and the motion passed to approve the Discipline and Ethics Committee minutes and action items.**

Ms. Jones gave a report of the Licensure Committee. **Dr. Koo moved, Dr. Baptiste seconded, and the motion passed to approve the Licensure Committee minutes and action items.**

Agenda item #27, Adjourn. There being no further agenda items, **Ms. Chapman moved, Dr. Koo seconded, and the motion passed to adjourn the meeting at 1:08 p.m.**