

TEXAS MEDICAL BOARD

EXECUTIVE COMMITTEE

APRIL 12, 2007

The meeting was called to order at 8:30 a.m. by Board President, Roberta Kalafut, D.O. Committee members present were Lawrence Anderson, M.D.; Eddie Miles, Jr.; Keith E. Miller, M.D.; John Pate, Jr., M.D.; and Larry Price, D.O. Other Board members present were Julie Attebury; Jose M. Benavides, M.D.; Charles E. Oswalt, M.D.; Michael Arambula, M.D.; Irvin Zeitler, D.O.; Patricia Blackwell; Timothy Turner; Margaret McNeese, M.D.; and Annette Raggette. Staff present were Donald W. Patrick, M.D., J.D., Executive Director; Robert Simpson, J.D., General Counsel; and various staff.

Dr. Price moved, Dr. Miller seconded and the motion passed to go in to executive session at 8:33 a.m. for private consultation and advice of counsel with respect to legal matters under the authority under the Open Meetings Act, Government Code §555.071. Open session resumed at 9:00 a.m. and it was announced that no action was taken during Executive Session. A certified agenda was made.

Agenda item #2, Report and recommendations from the Executive Management Team. Ms. McFarland explained the recent reorganization changes made in the Compliance Division that were necessary due to the one to eleven management to staff ratio that the Board is required to follow. Mari Robinson, J.D., Director of

Investigations indicated that the staffing changes should reduce the disconnect between field staff and office staff.

Robert Simpson provided the Board with an overview of the proposed rules to be considered during the Licensure, Disciplinary Process Review Committee (DPRC), and Executive Committee meetings.

Dr. Patrick discussed a meeting that took place at the Board office consisting of concerned members from the Texas Medical Association and the Texas Society of Pathologists.

Dr. Patrick next discussed the increased readership of the Board's quarterly newsletter. Dr. Patrick indicated that the newsletter has served to better educate the state's licensees. Dr. Patrick concluded his remarks by discussing Dr. Herb Fred, whose essay in a recent edition of the Board's newsletter resulted in Dr. Fred's being recognized by the Federation of State Medical Boards during their upcoming annual meeting.

Robert Simpson informed the board members of the Attorney General's recent predetermination letter concerning investigative files.

The Executive Management Team report concluded with Ms. McFarland's update concerning legislative issues and the pending appropriations bills.

Agenda item #3, Report and discussion regarding personnel matters. Kim Boston, Human Resources provided an update concerning the board's staffing situation since the February meeting including the recent staffing changes in the Legal Division. Ms. Boston explained that eight positions were posted since the last meeting with three of

them already filled. Ms. Boston concluded by addressing the management training options, which are currently being reviewed.

Agenda item #4, Discussion, recommendation, and possible action regarding proposed amendments to Chapter 161, General Provisions, to include amendments to Section 161.3, Organization and Structure regarding guidelines for conduct of board members. Dr. Kalafut explained that one the purpose of this amendment is to address possible conflicts of interests that may occur when a board member is asked to serve as an expert witness. If approved, the proposed amendment would require a Board member to obtain prior approval from the Board before serving in the capacity of an expert witness.

Several Board members asked for clarification regarding whether or not the proposed amendments to Chapter 161 would prevent them from testifying in civil and criminal proceedings. Dr. Kalafut explained that this provision did not refer to instances when a board member may be subpoenaed as a physician of record, but will apply to instances when a board member is hired to serve as an expert witness. Mr. Simpson said he would work on language so the proposed amendment would not affect the ability for a Board member to testify in both criminal and civil proceedings when subpoenaed.

Dr. Price moved, Dr. Anderson seconded, and the motion passed for the Board to accept the proposed amendments to Chapter 161, General Provisions to include amendments to Section 161.3, Organization and Structure, regarding guidelines for conduct of Board members with the revision of the provision of the requiring prior

approval for serving as an expert witness be changed to prior approval of the Executive Committee for publication and public comment.

There being no further items the meeting was adjourned at 9:28 a.m.