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**TEXAS PHYSICIAN ASSISTANT BOARD**  
**TEXAS STATE BOARD OF ACUPUNCTURE EXAMINERS**  
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## 2001 Medical Board Meeting Minutes

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### December 7, 2001

The meeting was called to order on December 7, 2001 at 10:45 a.m. by Lee S. Anderson, M.D., Board President. Board members present were Lee S. Anderson, M.D.; Penny Angelo; Jose M. Benavides, M.D.; Peter Chang, M.D.; David E. Garza, D.O.; Edward S. Hicks, Sr.; Thomas D. Kirksey, M.D.; Elvira Pascua-Lim, M.D.; Larry Price, D.O.; Joyce A. Roberts, M.D.; Nancy M. Seliger; Paulette B. Southard; R. Russell Thomas, Jr., D.O.; Janet Tornelli-Mitchell, M.D.; and Teddy Turner, J.D. Staff members present were Donald W. Patrick, M.D., J.D., Executive Director; Jerry T. Walker, Deputy Executive Director; Michele Shackelford, J.D., General Counsel; Jennifer Soffer, J.D., Assistant General Counsel; and various other staff.

**Discussion item #11, regarding resolutions for retiring board members, was considered.** Dr. Anderson read resolutions for retiring board members, Penny Angelo: William H. Fleming III, M.D.; Vernon L. Ryan, M.D.; and R. Russell Thomas, Jr., D.O. The board members thanked them for their years of service. Mr. Hicks announced that Dr. Ryan's mother and brother had recently passed away and that the board members would make a contribution to a designated charity in their honor.

**Agenda item #2, regarding executive session, was next. Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to go into executive session at 10:55 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and deliberation concerning licensure applications, disciplinary action, and private rehabilitation orders, or matters involving personnel 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, 160.006, 164.007, and 164.203; and Attorney General's Opinion No. H-484.** Open session resumed at 11:30 a.m. and it was announced that no action was taken during executive session. A certified agenda was made.

**Agenda item #3, regarding a proposal for decision relating to Ronald Bruce Wurtsbaugh, M.D., was considered.** The administrative law judge was not present as this was a default judgment. Dr. Wurtsbaugh did not appear, nor was he represented by counsel. Mari Robinson, staff attorney, represented the board and made a short presentation. **Dr. Kirksey moved, Dr. Thomas seconded, and the motion passed to adopt the recommendation and final order to revoke Dr. Wurtsbaugh's license.**

**Agenda item #4, regarding the Executive Director's report, was next.** Dr. Patrick presented the report and stated that he is happy to be working with the board and staff. Dr. Patrick also reported that the Executive Management Team, made up of the Executive Director, Deputy Executive Director, and General Counsel, is working well together. He announced that the Enforcement Division has been reorganized and that changes are forthcoming in the physician licensure process. Dr. Patrick stated that he expects that the changes will result in a more efficient and expedient process. Dr. Patrick also announced that he had visited the University of Texas Health Science Center, the University of Texas Medical Branch, and Texas A&M Medical School, in addition to attending the Governor's Conference on Organizational Excellence.

**Agenda item #5, regarding board briefings, was next.** Ms. Shackelford, Ms. Soffer, and Steve White, Chief of Litigation, briefed the board on new proposed rules, Chapter 187, regarding Procedural Rules.

The meeting recessed at 12:15 p.m. and reconvened at 1:39 p.m.

**Agenda item #9, regarding agreed board orders, was considered. Dr. Kirksey moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the orders en masse, with the exception of Robert Ernst Farner, Jr., M.D.; David F. Norris, D.O.; Victor Raul Ore, M.D.; John B. Payne, D.O.; William N. Meshel, M.D.; and Carl L. Fulton, M.D. The approved orders included: Henry Edward Bonham, M.D.; Stephen Neal Fisher, M.D.; Charles Frank Johnson III, M.D.; Danny Lynn Kelley, M.D.; Ronald Alfred Landefeld, M.D.; Howard A. Offenbach, M.D.; Ni Ni Swe, M.D.; George Russell West, M.D.; Robert E. Clark, Jr., M.D.; Pat Mason McMeans, M.D.; John Q.T. King, M.D.; Jamal Mubarak, M.D.; Keith P. Pensom, D.O.; Michael Lee Williams, M.D.; Anthony M. Deep, M.D.; Carlos Venegas, M.D.; Shing Yip Pang, M.D.; James B. Stevens, M.D.; Nalin H. Tolia, M.D.; Joyce M. Liegel, M.D.; Brandt H. McCorkle, D.O.; Aleiandro F.**

**Marquis, M.D.; Linda R. Martin, D.O.; Andrew L. Rabinowitz, M.D.; and Ernesto Cantu, M.D.**

The order on Robert Ernest Farner, Jr., M.D. was considered. **Dr. Tornelli-Mitchell moved, Dr. Benavides seconded, and the motion passed to approve the order with the additional requirement of a chaperone for female patients.**

The order on David F. Norris, D.O. was considered. Following discussion, **Dr. Tornelli-Mitchell moved, Ms. Southard seconded, and the motion passed to approve the order.**

The order on Victor Raul Ore, M.D. was considered. Following discussion, **Dr. Tornelli-Mitchell moved, Mrs. Angelo seconded, and the motion passed to approve the order and to further direct staff to review the wording on standard paragraphs regarding the phrase "prescribing alcohol."**

The order on John B. Payne, D.O. was considered. **Dr. Tornelli-Mitchell moved, Dr. Garza seconded, and the motion passed to approve the order.**

The order on William N. Meshel, M.D. was considered. **Dr. Tornelli-Mitchell moved, Mrs. Angelo seconded, and the motion passed to approve the order.**

The order on Carl L. Fulton, M.D. was considered. **Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the order.**

**Agenda item #10, regarding modification request/termination request orders, was considered. Mr. Hicks moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the orders en masse. The approved orders included: Jack L. Baker, M.D.; Robert Lee Brusenhan, Jr., M.D.; Juan J. Garza, M.D.; Chaim Banjo, M.D.; Lawrence A. Schaeffer, M.D.; Rafael Armendariz, D.O.; Stephen R. Fowler, M.D.; Kennard Lee Kollaus, M.D.; Michael A. Crouch, M.D.; Robert P. Kauffman, M.D.; James T. Cammack, M.D.; Gregory K. Phillips, M.D.; and Nat B. Baumer, M.D.**

There were no reinstatement request orders to be considered on agenda item #11.

**Agenda item #12, regarding nunc pro tunc orders, was considered. Mrs. Turner moved, Mrs. Angelo seconded, and the motion passed to approve the order on James E. Stanton, M.D.**

**Agenda item #13, regarding mediated settlement orders, was considered. Dr. Benavides moved, Mrs. Turner seconded, and the motion passed to approve the orders on Troy Arthur Caldwell, Jr., M.D.; Rebecca Norton Collins, M.D.; and Amante DeLeon Medina, M.D.**

**Agenda item #14, regarding termination of suspension orders, was considered. Dr. Tornelli-Mitchell moved, Dr. Kirksey seconded, and the motion passed to approve the orders on Gregory G. Hubbard, D.O.; Carlos H. Fernandez, M.D.; James Goodrich, M.D.; and Cabe M. Owens, M.D.**

**Agenda item #15, regarding report on temporary suspension/automatic orders/automatic actions, was next. Dr. Anderson reported on the orders on B.R. Ringer, D.O.; Richard Allen Mosby, M.D.; Avril Brickley Rush, M.D.; and George Robert Smith, Jr., M.D. No action was necessary, as this was a report only.**

**Agenda item #8, regarding rehabilitation orders, was next. Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to go into executive session at 2:24 p.m. for consideration of possible rehabilitation orders under the authority of the Open Meetings Act, GOVERNMENT CODE, '551.071; and the Medical Practice Act, TEXAS OCCUPATIONS CODE ANNOTATED, "152.009, 160.006, 164.007, and 164.203; and Attorney General's Opinion No. H-484. Open session resumed at 3:10 p.m. and it was announced that no action was taken during executive session. Mr. Hicks moved, Ms. Turner seconded, and the motion passed to approve rehabilitation orders #169,**

**170, 171, 172, 173, 174, 175, and 176; request for modification of rehabilitation orders #46, 49, 47, 73, 103, 127, and 131; and request for termination of rehabilitation orders #53 and 85. Following discussion, Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to deny rehabilitation #99 and offer the physician a public order under the same terms and conditions.**

**Agenda item #6, regarding proposed rule changes, was next. No written comments were received on the proposed rules and no one was present to present testimony relating to the proposals, with the exception of '173.1 regarding physician profiles and '193.6 regarding delegated prescriptive authority at alternate sites and procedures for waiver from site and supervision requirements. Several written comments were received and Jim Willman, representing the Texas Nurses Association, was present to make oral comments regarding 193.6. Dr. Kirksey moved, Dr. Tornelli-Mitchell seconded, and the motion passed to withdraw the proposed rule change on '193.6 and direct staff to redraft the proposal, taking into the consideration the comments received. The board considered the comments from the American Osteopathic Association (AOA) regarding '173.1; however, AOA asked to have sections removed which are either statutorily required or not in the best interest of the public to remove. Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the proposals on Chapter 163, Licensure; Chapter 166, Physician Registration; Chapter 173, Physician Profile; Chapter 175, Fees, Penalties, and Applications; Chapter 183, Acupuncture; Chapter 185, Physician Assistants; Chapter 187, Procedural Rules; Chapter 188**

Licensure, Chapter 166, Physician Assistants, Chapter 167, Procedural Rules, Chapter 168, Complaint Procedure Notification.

**Agenda item #7, regarding cancellation of licenses, was considered.** Ivan Hurwitz, Director of Licensure, explained that notice had been given to each licensee and asked for approval to cancel the licenses. **Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve cancellation of the licenses as presented.**

**Discussion item #1, regarding Board member report, was next.** There were no issues to discuss.

**Discussion item #2, regarding the September 6-7, 2001 board meeting minutes, was considered.** **Dr. Tornelli-Mitchell moved, Dr. Benavides seconded, and the motion passed to approve the minutes.**

**Discussion item #3, regarding the September 5, 2001 Disciplinary Panel meeting minutes, was considered.** **Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to approve the minutes.**

**Discussion item #4, regarding the September 14, 2001 Disciplinary Panel meeting minutes, was considered.** **Dr. Tornelli-Mitchell moved, Dr. Benavides seconded, and the motion passed to approve the minutes.**

**Discussion item #5, regarding the October 24, 2001 Disciplinary Panel meeting minutes, was considered.** **Mr. Hicks moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes.**

**Discussion item #6, regarding nomination of Thomas D. Kirksey, M.D., as President-Elect of the Federation of State Medical Boards, was next.** **Dr. Tornelli-Mitchell moved, Dr. Garza seconded, and the motion passed to nominate Dr. Kirksey as President-Elect of the Federation of State Medical Boards.**

**Discussion item #7, regarding other nominations for elected and/or appointed positions for the Federation of State Medical Boards, was next.** Dr. Anderson announced that if any board members are interested in being nominated for a position with the Federation, they should contact him.

**Discussion item #8, regarding nominations for awards for the Federation of State Medical Boards, was next.** **Dr. Benavides moved, Dr. Tornelli-Mitchell seconded, and the motion passed to nominate William H. Fleming III, M.D. to receive the Distinguished Service Award.**

Dr. Anderson asked if there were any recommendations to be considered for agenda items #9 and 10 relating to proposed changes to Federation Bylaws and proposed resolutions for the Federation annual meeting. There were none.

Copies of the written committee meeting minutes were distributed.

Dr. Anderson presented a report of the Executive Committee meeting. **Dr. Anderson moved, Mr. Hicks seconded, and the motion passed to approve the minutes and action items.**

Mr. Hicks presented a report of the Legislative/Long Range Planning Committee meeting. **Mr. Hicks moved, Mrs. Turner seconded, and the motion passed to approve the minutes and action items.**

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

Ms. Southard presented a report of the Public Information/Profile Committee meeting. **Mr. Hicks moved, Dr. Kirksey seconded, and the motion passed to approve the minutes and action items, with a correction to the minutes as discussed.**

Dr. Kirksey presented a report of the Surgical Assistants Committee meeting. **Dr. Kirksey moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes and action items.**

Dr. Garza presented a report of the Licensure Committee meeting. **Dr. Garza moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes and action items, with the exception of agenda item #5.** Following a discussion of agenda item #5 of the Licensure Committee, **Dr. Garza moved, Mr. Hicks seconded, and the motion passed to recognize the validity of the Federation Credentials Verification Service (FCVS), to accept the FCVS and make it a recommendation, but not a requirement, for licensure; and to direct staff to amend the proposed rule change relating to '163.4 accordingly.**

Dr. Kirksey presented a report of the Disciplinary Process Review Committee meeting. **Dr. Kirksey moved, Mr. Hicks seconded, and the motion passed to approve the minutes and action items.**

Dr. Tornelli-Mitchell presented a report of the Standing Orders Committee meeting. **Dr. Tornelli-Mitchell moved, Dr. Benavides seconded, and the motion passed to approve the minutes and action items.**

**action items.**

Dr. Benavides presented a report of the Non-Profit Committee meeting. **Dr. Benavides moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes and action items.**

Dr. Roberts gave a report of the Ad Hoc Committee on Optometric Issues. **Dr. Roberts moved, Dr. Tornelli-Mitchell seconded, and the motion passed to approve the minutes and action items.**

Dr. Price presented a report of the Telemedicine Committee meeting. **Dr. Price moved, Dr. Kirksey seconded, and the motion passed to approve the minutes and action items.**

There being no further business, **Dr. Tornelli-Mitchell moved, Mr. Hicks seconded, and the motion passed to adjourn the meeting at 5:10 p.m.**

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