

FILED
503-23-17769
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STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 503-23-17769.MD
TEXAS MEDICAL LICENSE NO. K-9770

TEXAS MEDICAL BOARD
Petitioner,

V.

MARY TALLEY BOWDEN, M.D.
Respondent.

BEFORE THE STATE OFFICE

ACCEPTED
503-23-17769
12/27/2024 9:20:35 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

OF

ADMINISTRATIVE HEARINGS

BOARD STAFF’S MOTION FOR LEAVE TO FILE SUPPLEMENTAL EXPERT DESIGNATION and SUPPLEMENTAL EXPERT DESIGNATION

Petitioner (Board Staff) submits ***Board Staff’s Motion for Leave to File Supplemental Expert Designation and Supplemental Expert Designation*** and respectfully offers the following in support:

EXHIBITS

Exhibit A: C.V. of Robert Bredt, M.D.

MOTION FOR LEAVE TO FILE SUPPLEMENTAL EXPERT DESIGNATION

In Respondent’s *Expert Report* by Mollie James, DO, MPH, IFMCP, Respondent’s expert misstates the laws pertaining to establishing a physician-patient relationship.¹ The inclusion of this statement in the expert report makes it highly likely that her testimony at the hearing on the merits will be based upon the expert’s misunderstanding those laws. This expert report was filed with SOAH on November 26, 2024, which according to the Honorable ALJ’s Order No. 17, is nearly a month after the deadline for Board Staff’s designation of expert witnesses. In order to clarify this misstatement of the laws in effect at the time of the facts underlying this case, Board Staff would move for leave to designate Dr. Robert Bredt, MD. out of time.

Dr. Bredt is the Medical Director of the Texas Medical Board and is an expert in the the Board’s procedures, investigation process, and administration of laws and rules, including those pertaining to establishing a physician-patient relationship. Dr. Bredt can provide the Honorable

¹ Respondent’s *Expert Report*, p. 3.

ALJ with clarification on these and other issues that may arise, and will serve to prevent uncriticized reliance on misinformation from Respondent's expert.

Although it is arguable that Board staff need designate an agency witness as a designated expert, Board staff does so to ensure Respondent has opportunity to serve discovery and set depositions related to Dr. Bredt's testimony, if Respondent wants to do so. Board Staff would note that there is still time in the procedural schedule to conduct a deposition of Dr. Bredt as the deposition period ends January 17, 2025, and conduct discovery which ends on February 21, 2025. This motion and supplemental designation serves to put Respondent on notice of Dr. Bredt's participation in the hearing on the merits which is not scheduled for another four months (April 28, 2025). Board staff will likewise supplement its discovery responses as necessary.

SUPPLEMENTAL EXPERT DESIGNATION

Board Staff supplementally designates Robert Bredt, M.D., as an additional retained expert witness. Dr. Bredt has been designated to testify as an expert witness at the trial of this matter and provide expert and opinion testimony as well as testimony as a representative familiar with process and policy of the agency, based upon his knowledge, skills, experience, education, position as Medical Director, and credentials as set forth in his Curriculum Vitae, a true and correct copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

It is anticipated that Dr. Bredt will testify about issues as alleged in Board Staff's Complaint including, but not limited to Board process and policy, laws and rules including but not limited to those pertaining to establishing a physician-patient relationship generally and in an outpatient setting, peer review, credentialing, and other issues related to this matter that may arise.

Additionally, Dr. Bredt may testify by way of response or rebuttal to any opinions produced or offered into evidence by Respondent and her experts, and as to whether such testimony is based upon reliable, credible, scientifically-sound or generally accepted methodologies and principles.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

TEXAS MEDICAL BOARD

AMY SWANHOLM, J.D., MSEL
Director of Litigation



Amy Swanholm, JD, MSEL
Texas State Bar No. 24056400
1801 Congress Avenue, Suite 9-200
Austin, Texas 78701
Telephone: (512) 305-7006
Fax: (888) 391-2366
Email: Amy.Swanholm@tmb.state.tx.us

ATTORNEY FOR BOARD STAFF

CERTIFICATE OF CONFERENCE

I certify that Board Staff has conferred with opposing counsel on foregoing document via email on December 2, 2024 and he is opposed.



Amy Swanholm, JD. MSEL
Director of Litigation

CERTIFICATE OF SERVICE

I certify that on December 23, 2024, a true and correct copy of the foregoing document has been served as follows:

BY E-FILE:

Docket Clerk
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 504
Austin, TX 78701-1649

BY E-MAIL:

Steven Mitby
Michael Barnhart
Geoff Litke
Mitby Pacholder Johnson PLLC
1001 McKinney St., Ste 925
Houston, TX 77002

ATTORNEYS FOR RESPONDENT

BY E-FILE:

Carolyn Ivey
Hearings Coordinator
Texas Medical Board
1801 Congress Avenue, Suite 9-200
Austin, TX 78701



Amy Swanholm, JD. MSEL
Director of Litigation

Exhibit A

C.V. of Robert Bredt, M.D.

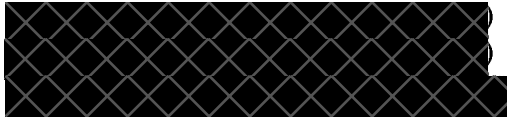
CURRICULUM VITAE

NAME: Robert Jay Bredt, M.D.
DATE AND PLACE OF BIRTH: [REDACTED]
UPDATED Jan 2024

EDUCATION:

- 1992-1993 Cytology Fellowship**
Univ. of Texas Health Science Center at San Antonio
- 1988-1992 Pathology Residency**
Univ. of Texas Health Science Center at San Antonio
- 1987-1988 Internship Internal Medicine**
Univ. of Texas Health Science Center at San Antonio
- 1983-1987 Medical Doctor**
Washington University School of Medicine, St. Louis, MO
- 1979-1983 B.A. Biochemistry**
Pomona College, Claremont, CA

LICENSURE:



BOARD CERTIFICATION (Current):

- American Board of Pathology 6/93 – Anatomic & Clinical Pathology
- American Board of Pathology 5/94 – Cytopathology

APPOINTMENTS:

College of American Pathology

- 2010-present Regional Commissioner Laboratory Accreditation Program
- 2010-2016 Member Inspection Process Committee
- 2005-2010 State Commissioner for S.E. Texas
- 1991-1993 Member CAP Quality Assurance Services/Quality Control Comm.
- 1991-1993 Texas State Delegate to the Resident's Forum

University of Texas Health Science Center, San Antonio

- 2010-2016 Adjunct Professor, Department of Pathology
- 1990-1993 Teaching Assistant, Pathology

PROFESSIONAL EXPERIENCE:

- 2012-Present Medical Director**
Texas Medical Board

Laboratory Medical Directorships Current

- 2011-Present Planned Parenthood of South Texas Laboratory; San Antonio, TX

2022-Present Genics Laboratory Las Vegas, NV
2022-Present Genics Laboratory San Antonio

Laboratory Medical Directorships past

2018-2022 Atrium Medical Laboratories Stafford, TX
2021-2021 Livingston Medical Laboratories San Antonio, TX
2019-2020 High Complexity Laboratory, Houston, TX
1995-2012 Women's Health Laboratories, TCID San Antonio, Texas
2005-2012 South Texas Laboratory, Harlingen, Texas 78552

Consultant Southwest Clinical Consultants 2015-present

Laboratory consultation and laboratory direction including LC/MS, Molecular Pathology, Microarrays, Next Generation sequencing, Chemistry, Toxicology, Endocrinology, Point of Care, Hematology, Transfusion Medicine

Laboratory Inspector

1990-Present CAP A member or leader of over 300 laboratory inspections,
2012-Present 15189 American Association of Laboratory Accreditation (A2LA)
2021-2022 15189 Emirates International Accreditation Centre (EIAC)

Teaching

2017-Present Medical Director EMS Training Programs
LBJ Fire Academy, Austin, TX
NISD, San Antonio, TX
2019-Present A2LA Workplace Training Program
2011 Spokesperson Training Program Graduate CAP
1981-1983 Laboratory Assistant, Organic Chemistry Pomona College
1981-1983 Teaching Assistant, Mathematics Pomona College

PROFESSIONAL SOCIETIES:

American Medical Association (1984-1986)
Amer. Soc. of Clinical Pathologists (1989-2002)
American Society of Cytology (1991-2005)
College of American Pathologists (1989-present)
Texas Society of Cytology (1996-2005) President 2002, Vice President 2001
Texas Association of Public Health Physicians (2001-present)

PUBLICATIONS:

"Fine Needle Aspiration Cytology of Hodgkin's Disease," Bredt, R.J. & Valente, P.T. Abstract presented at the American Society of Cytology Meeting, 9/92.

"Fine Needle Aspiration Biopsy of Tumors Metastatic to the Breast," Bredt, R.J. & Valente, P.T. Abstract presented at the American Society of Cytology Meeting, 11/93.

"Fine Needle Aspiration Cytology in the Management of Gynecologic Malignancies," Bredt, R.J. & Valente, P.T. ASCP Check Sample, C94-1, 1994.

"Recent Changes in the Bethesda Reporting System," Bredt RJ Commitment, Newsletter of the Breast and Cervical Cancer Control Program 11:2 p. 3, 2002.

“TDH in process of Adopting ASCCP Guidelines,” Bredt RJ Commitment, Newsletter of the Breast and Cervical Cancer Control Program 12:1 p. 1-2, 2003.

“Common Sense Implementation of QMS in a Clinical Laboratory,” Amano, M, Bredt, R, Colby, M & Freeman, T. World Scientific Publishing Company 2020.

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Rachel Bredt on behalf of Amy Swanholm

Bar No. 24056400

rachel.bredt@tmb.state.tx.us

Envelope ID: 95622045

Filing Code Description: Motion

Filing Description: Board Staff Motion For Leave to File Supplemental

Expert Designation and Supplemental Expert Designation

Status as of 12/27/2024 9:27 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Barnhart	24040472	mbarnhart@mitbylaw.com	12/23/2024 5:35:17 PM	SENT
Steven Mitby	24037123	smitby@mitbylaw.com	12/23/2024 5:35:17 PM	SENT
Patricia Perez		patricia.perez@tmb.state.tx.us	12/23/2024 5:35:17 PM	SENT
Amy Swanholm		amy.swanholm@tmb.state.tx.us	12/23/2024 5:35:17 PM	SENT
Shane Neldner		shane.neldner@tmb.state.tx.us	12/23/2024 5:35:17 PM	SENT
Joyce Dolan		jdolan@mitbylaw.com	12/23/2024 5:35:17 PM	SENT
Nadia Burns		nadia.burns@tmb.state.tx.us	12/23/2024 5:35:17 PM	SENT
Geoff Litke		glitke@mitbylaw.com	12/23/2024 5:35:17 PM	SENT
Rachel Bredt		rachel.bredt@tmb.state.tx.us	12/23/2024 5:35:17 PM	SENT
Meredith Massey		meredith.massey@tmb.state.tx.us	12/23/2024 5:35:17 PM	SENT
Danielle Munoz		danielle.munoz@tmb.state.tx.us	12/23/2024 5:35:17 PM	SENT
Carolyn Ivey		carolyn.ivey@tmb.state.tx.us	12/23/2024 5:35:17 PM	SENT
Veronica Craven		vcraven@mitbylaw.com	12/23/2024 5:35:17 PM	SENT