



Texas Medical Board

BOARD MEETING
333 GUADALUPE, TOWER 2, SUITE 225
AUSTIN, TEXAS
April 13, 2018

The meeting was called to order on Friday, April 13, 2018 at 10:06 a.m. by Board President, Sherif Z. Zaafran, M.D. Board members present were: J. Scott Holliday, D.O., Vice-President Michael E. Cokinos, Secretary/Treasurer, Julie Attebury, 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. 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., and Wendy Pajak, J.D., and various other staff.

Agenda item #2, Discussion, recommendation, and possible action regarding the Executive Director position. Dr. Zaafran presented Stephen Brint Carlton as the top nominee for the Executive Director Position. Mr. Carlton provided the board with background information and answered questions pertaining to the position. After discussion, **Dr. Holliday moved, Mr. Webb seconded, and the motion passed to go into Executive Session at 10:31 a.m. for deliberations concerning personnel matters under the authority of the Open Meetings Act Section 551.074, Government Code.** Open session resumed at 10:54 a.m. and it was announced that no action was taken. A certified agenda was made. After further consideration, **Dr. Zaafran moved, Dr. Holliday seconded, and the motion passed to appoint Mr. Carlton as the Executive Director of the Texas Medical Board pursuant to the recommendations of the Executive Search Committee.** After a unanimous vote, the motion passed. Mr. Carlton's anticipated start date is April 23, 2018.

Agenda item #3, Reassignment of current Executive Director to General Counsel. After consideration, **Dr. Varma moved, Mr. Webb seconded, and the motion passed to reassign the current Executive Director to General Counsel.** After a unanimous vote, the motion passed.

Agenda item #4, Update on the audit of the Physician Health Program. Mr. Freshour provided an update on the audit of PHP. The auditors are currently setting up for interviews. Dr. Zaafran, Mr. Webb, and Mr. Denton have been recommended to speak with the auditors and discuss their concerns on PHP. A list of cases regarding backlogs has been provided to supply to the auditors. The PHP General Counsel position will not be filled until after the audit. Therefore, for the time being, the point of contact for PHP's legal advice will be Rob Blech, J.D.

Agenda item #5, Discussion, recommendation, and possible action regarding Agreed Order. Heather Barnham, staff attorney, gave a brief overview. After consideration, **Mr. Webb moved, Ms. Attebury seconded, and the motion passed to approve the Agreed Order as presented for George Allibone, M.D. with non-substantive changes.**

Agenda item #6, Discussion, recommendation, and possible action regarding Final Order on Remand. Mr. Freshour gave a brief overview. After consideration, **Dr. Varma moved, Dr. McNeese seconded, and the motion passed to approve the action regarding Final Order on Remand to remove the first paragraph and renumber the remaining paragraphs for Martin E. McGonagle, M.D.**

Agenda item #7, Discussion, recommendation, and possible action regarding Order Vacating Suspension by Operation of Law. After consideration, **Dr. Holliday moved, Ms. Morgan seconded, and the motion passed to approve the Order Vacating Suspension by Operation of Law for Habiboola Niamatali, M.D.** Board directed staff to re-open the investigation and analyze the issues related to health care fraud as opposed to relying on judicial action.

Mr. Denton further discussed PHP issues. The Board gave direction to staff to set an agenda item for June's board meeting discussing the general operation of PHP.

Agenda item #8, Discussion, recommendation, and possible action regarding dental anesthesia rules. After consideration, **Dr. Varma moved, Dr. McNeese seconded, and the motion passed to approve the TMB to make comments to the Dental Board's anesthesia rules, subject to the approval of the Board President.**

Agenda item #9, Adjourn. There being no further agenda items **the meeting adjourned at 12:07 p.m.**