

TEXAS MEDICAL BOARD
MINUTES OF THE
DISCIPLINARY PROCESS REVIEW COMMITTEE
December 6, 2018

Chair Margaret C. McNeese, M.D., called the meeting to order at 10:15 a.m. Other members present were Sherif Z. Zaafran, M.D., Sharon Barnes, LuAnn Morgan, Manuel “Manny” Quinones, Jr., M. D., David G. “Dave” Vanderweide, M.D., James “Scott” Holliday, D.O., and Robert Gracia. Not in attendance, Surendra K. Varma, M.D.

Staff members present were Stephen Brint Carlton, J.D. Executive Director, Robert Bredt, M.D., Medical Director and various other staff.

Agenda Item #2. Discussion, recommendation, and possible action regarding referrals from the Texas Physician Health Program (TXPHP).

Dr. Holliday moved and Ms. Barnes seconded that TXPHP Case #1 remain with TXPHP. Motion carried.

Ms. Barnes moved and Ms. Morgan seconded that TXPHP Case #2 remain with TXPHP. Motion carried.

Dr. Gracia moved and Ms. Barnes seconded that TXPHP Case #3 remain with TXPHP. Motion carried.

Agenda Item #3. Reports and discussion regarding Texas Physician Health Program.

This was an informational item only and no vote was necessary.

Agenda Item #4. Discussion, recommendation, and possible action regarding renewals involving impaired licensees.

It was announced by Mr. Carlton that there were no impaired renewals to be presented to the DPRC under Agenda Item #4.

Agenda Item #5. Reports and discussion regarding the Investigation, Litigation, and Compliance Departments.

Mr. Carlton presented the Enforcement Activity Report for FY 2019 - 2nd Meeting, a copy of which is attached. This was an informational item only and no vote was necessary.

Agenda Item #6. Discussion, recommendation, and possible action regarding Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code:³

Chapter 193. Standing Delegation Orders
§§193.1-193.20

Dr. Zaafran moved and Dr. Holliday seconded that proposed Rule 193.5 and 193.21 be approved for publication and comment. Staff was directed to continue work on other possible amendments to Chapter 193. Motion carried.

Agenda Item #7. Discussion, recommendation, and possible action regarding instituting FO-4 waiver process for Surgical Assistants, Medical Physicists, and Perfusionists. (Mr. Carlton)

This was an informational item only and no vote was necessary. After discussion, direction to staff was given to institute and expand the FO-4 waiver process for administrative issues, to Surgical Assistants, Medical Physicists, and Perfusionists.

Agenda Item #8. Review, discussion, and possible action regarding review of probationer's appearances.

It was announced by Mr. Carlton that there were no probationer's appearances for DPRC under Agenda Item #8.

At 11:16 a.m., Dr. Holliday moved and Ms. Barnes seconded, to go into Executive Session for deliberations concerning disciplinary action, investigative information, peer review information, and rehabilitation orders under the authority of the Medical Practice Act Sections 152.009, 160.006 through 160.008, 164.007(c), Texas Occupations Code. Open session resumed at 12:03 p.m., and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

Agenda Item #9. Consideration and approval of membership of the Expert Physician Panel.

Dr. Vanderweide moved and Dr. Quinones seconded to approve the appointments of Expert Panel members 1, 2, 5 & 6, as noted in the attachment. Motion carried.

Agenda Item #10. Reports and discussion regarding cases over one year old.

Mr. Carlton presented to the Committee the current status of cases that are over one year old. This was an informational item only and no vote was necessary.

At 12:05 p.m., Dr. Holliday moved and Ms. Barnes seconded, to go into Executive Session for deliberations concerning disciplinary action, investigative information, peer review information, and rehabilitation orders under the authority of the Medical Practice Act Sections 152.009, 160.006 through 160.008, 164.007(c), Texas Occupations Code. Open session resumed at 2:34 p.m., and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

Agenda Item #11. Review, discussion, and possible action regarding appeals of dismissed - complaints. A. Jurisdictional Complaints: i. 18-2218, **18-3316**, 18-5930, Investigations: ii. Legal Files: *None*, B. Jurisdictional-Not-Filed Complaints: 18-4505, 18-5996, 18-7334, 18-7749, 18-7869, 18-8259, 18-8278, 18-8362, 18-8388, 18-8629, 18-8706, 18-8740, 18-8742, 18-8744, 18-8750, 18-8801, 18-8807, 18-8899, 18-8905, 18-8951, **18-8967**, **18-9021**, 18-9027, 18-9101, 18-

9219, 19-0024, 19-0093, 19-0108, 19-443, C. Non-Jurisdictional Complaint: 18-7792 and 19-0362

Dr. Gracia moved and Dr. Holliday seconded that the appeal of Item 11.A.i. Log #18-3316 be granted. Motion carried.

Dr. McNeese moved and Ms. Barnes seconded that the appeal of Item 11.B, Log #18-8967 be granted. Motion carried.

Dr. Zaafran moved and Dr. Holliday seconded that the appeal of Item 11.B, Log #18-9021 be granted. Motion carried.

Dr. Holliday and Ms. Barnes seconded that all appeals under Agenda Item 11.A.i. not specifically granted above be dismissed. Motion carried.

Dr. Holliday moved and Ms. Barnes seconded that the appeal of Item 11.B, Log #19-0024 be granted. Motion carried.

Dr. Zaafran moved and Ms. Morgan seconded that the appeal of Item 11.B, Log #19-0443 be granted. Motion carried.

Dr. Holliday moved and Ms. Barnes seconded that all other appeals under Agenda Item 11.B not specifically granted above be denied. Motion carried.

Dr. Holliday moved and Ms. Barnes seconded that the appeal of Item 11.C, Log #18-2228 be denied. Motion carried.

Dr. Zaafran moved and Dr. Holliday seconded that appeal of Item 11.C Log #19-0362 be granted. Motion carried.

Agenda Item #12. Discussion, recommendation, and possible action regarding routine follow-up on investigative files previously referred from the DPRC for follow-up action, specifically including:

17-7487
17-8071
18-7434
18-7440
18-7562
18-7645
18-9334

Ms. Barnes moved and Dr. Holliday seconded that follow-up file #17-7487 be dismissed. Motion carried.

Dr. Holliday moved and Ms. Morgan seconded that follow-up file #17-8071 be dismissed with custom letter. Motion carried.

Dr. Holliday moved and Dr. Quinones seconded that follow-up file #18-7434 be dismissed. Motion carried.

Dr. Holliday moved and Ms. Morgan seconded that follow-up file #18-7440 be dismissed with custom letter. Motion carried.

Ms. Barnes moved and Dr. Quinones seconded that follow-up file #18-7562 be dismissed. Motion carried.

Dr. Holliday moved and Dr. Quinones seconded that follow-up file #18-7645 be dismissed. Motion carried.

Ms. Barnes moved and Quinones seconded that follow-up file #18-9334 be dismissed. Motion carried.

Agenda Item #13. Review, discussion, and possible action regarding selected files and cases.

Dr. Holliday moved and Ms. Barnes seconded that all files under Agenda Item 13 QA rejected Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. Holliday moved and Ms. Barnes seconded that all files under Agenda Item 13 QA rejected Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. Holliday moved and Dr. Quinones seconded that all files under Agenda Item 13 Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. Holliday moved and Dr. Quinones seconded that all files under Agenda Items 13 Standard of Care files for review be resolved as noted on the individual sign-off sheets. Motion carried.

Agenda Item #14 Adjourn.

Dr. Holliday moved and Dr. Quinones seconded that the meeting adjourn.

Motion carried at 2:55 p.m.

TEXAS MEDICAL BOARD
Disciplinary Process Review Committee
TXPHP - Participant Case Review
December 6, 2018

Case #	Remain with PHP	TMB Accepted	Continue
1	X		
2	X		
3	X		

Expert Panel Members for Board Approval December 2018

LAST	FIRST	LIC #	CITY	SPECIALTY
Berry	Erica	R1175	Flower Mound	OB/GYN
Darrigan	David	N2049	Allen	Emergency Medicine
Mathews	Jeselle	H6416	Mission	OB/GYN
Rodriguez	Jesus	Q6564	Santa Maria	Family Practice

DPRC DECEMBER 2018

Disciplinary Committee Decisions Regarding Complaints Reviewed Pursuant to Staff or ISC Panel Recommendation (Physicians)

Total : 120

Log Number	Allegation	Close	Continue	ISC	Hold	Name
171837	164.052(A)(5)	X				
177365	164.051(A)(7)	X				
177487	164.051(A)(6)	X				
178071	164.052(A)(5)	X				
182420	164.051(A)(6)	X				
182626	164.051(A)(6)	X				
182673	164.051(A)(6)	X				
182747	164.051(A)(6)	X				
183017	164.052(A)(5)	X				
183021	164.052(A)(5)	X				
183025	164.053(A)(6)	X				
183180	164.051(A)(6)	X				
183384	164.052(A)(5)	X				
184162	164.051(A)(3)	X				
184364	164.051(A)(6)	X				
184590	164.051(A)(6)	X				
184885	164.051(A)(6)			X		
184982	162.0021	X				
184998	164.051(A)(6)	X				
185018	164.053(A)(4)	X				
185050	164.051(A)(8)	X				
185052	164.051(A)(8)	X				
185058	164.051(A)(8)	X				
185059	164.051(A)(6)	X				
185060	164.051(A)(8)	X				
185166	164.051(A)(6)	X				
185190	164.051(A)(8)	X				
185203	164.051(A)(8)	X				
185205	164.053(A)(5)	X				
185219	164.051(A)(7)	X				
185315	164.051(A)(6)	X				
185405	164.051(A)(6)	X				
185457	101.201	X				
185540	164.051(A)(6)	X				
185545	164.052(A)(5)	X				
185670	164.053(A)(6)	X				
185707	164.053(A)(6)	X				
185752	164.051(A)(6)	X				
185806	164.051(A)(6)	X				
185868	164.051(A)(6)	X				
185874	164.051(A)(6)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
185876	164.051(A)(6)	X				
185891	164.051(A)(6)	X				
185922	164.051(A)(6)	X				
185955	164.051(A)(6)	X				
185958	164.052(A)(5)	X				
185994	164.053(A)(6)	X				
186139	164.051(A)(3)	X				
186162	164.051(A)(6)	X				
186197	164.051(A)(6)	X				
186275	164.051(A)(6)	X				
186297	164.051(A)(6)	X				
186342	164.051(A)(6)	X				
186343	164.051(A)(6)	X				
186350	164.051(A)(6)	X				
186376	164.051(A)(6)	X				
186463	164.051(A)(6)	X				
186492	164.051(A)(6)	X				
186518	164.052(A)(5)	X				
186594	164.051(A)(6)	X				
186661	105.002(B)	X				
186698	164.051(A)(6)	X				
186716	164.052(A)(5)	X				
186764	164.053(A)(5)	X				
186823	164.052(A)(5)	X				
186833	164.051(A)(6)	X				
186940	164.051(A)(6)	X				
186978	164.052(A)(5)	X				
187017	164.053(A)(6)			X		
187044	164.051(A)(6)	X				
187047	164.051(A)(6)	X				
187062	164.051(A)(6)	X				
187076	164.051(A)(6)	X				
187098	164.052(A)(5)	X				
187115	151.002(A)(13)	X				
187117	164.052(A)(5)	X				
187160	164.052(A)(5)	X				
187214	164.052(A)(5)	X				
187238	164.051(A)(6)	X				
187325	164.051(A)(6)	X				
187395	164.052(A)(5)	X				
187412	164.051(A)(4)(A)	X				
187434	164.051(A)(6)	X				
187440	164.051(A)(6)	X				
187443	164.051(A)(6)	X				
187539	164.052(A)(5)	X				
187562	164.052(A)(5)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
187575	164.051(A)(6)	X				
187594	164.053(A)(1)	X				
187596	164.051(A)(6)	X				
187630	164.053(A)(5)	X				
187645	164.051(A)(6)	X				
187647	164.051(A)(9)	X				
187658	159.006	X				
187669	164.051(A)(6)	X				
187671	164.051(A)(6)	X				
187742	164.051(A)(6)	X				
187831	164.051(A)(6)	X				
187841	164.051(A)(6)	X				
187868	164.051(A)(6)	X				
187876	164.053(A)(1)	X				
187901	164.051(A)(6)	X				
187973	164.051(A)(6)	X				
188028	101.201	X				
188039	164.051(A)(9)	X				
188040	101.201	X				
188076	164.051(A)(6)			X		
188264	164.052(A)(5)	X				
188399	164.053(A)(5)	X				
188418	164.053(A)(1)	X				
188421	164.053(A)(6)	X				
188479	164.053(A)(1)	X				
188791	105.002(B)	X				
188975	164.051(A)(9)	X				
189303	164.051(A)(3)	X				
189334	164.051(A)(6)	X				
190196	603.401	X				
190271	159.006	X				
190397	56.003	X				
190954	164.052(A)(5)	X				

DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED

ISC PANEL RECOMMENDATIONS – Texas Medical Board December 6, 2018

ISC Dismissal's

CASE #	CLOSE	CONT.	TO ISC
17-0658	X		
18-0885	X		
18-0890	X		
18-0941	X		
18-0861	X		
18-0928	X		
18-0742	X		
18-0500	X		
18-0911	X		
18-0859	X		
18-0912	X		
18-0848			X
18-0888	X		
18-0493	X		
18-0894	X		
18-0865	X		
18-0805	X		
18-0826	X		
18-0741	X		
18-0743	X		
18-0816	X		
18-0818	X		
18-0922			X
18-0846	X		
18-0834	X		
18-0930	X		

Total = 26

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE #	CLOSE	CONT.	TO ISC
19-0107	X		
18-0860	X		
18-0975			X
19-0169	X		
19-0032	X		

Total = 5

Pre-Approved for Submission/COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE #	CLOSE	CONT.	TO ISC
19-0034	X		

Total = 1

TXPHP Dismissals

CASE #	CLOSE	CONT.	TO ISC
19-0074	X		
19-0177	X		

Total = 2