



Texas Medical Board

BOARD MEETING

March 6, 2020

The meeting was called to order on Friday March 6, 2020 at 8:25 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Kandace B. Farmer, D.O., Vice-President; Arun Agarwal; Sharon Barnes; Devinder S. Bhatia, M.D.; Michael E. Cokinos; George L. DeLoach, D.O.; Robert Gracia;; Jeffrey L. Luna, M.D.; Roberto D. Martinez, M.D (arrived at 9:30 am); Linda Molina, J.D.; LuAnn R. Morgan; Satish Nayak, M.D.; Manuel “Manny” Quinones, Jr., M.D.; Jason K. Tibbels, M.D. and David G. Vanderweide, M.D. Board members not present were Vanessa F. Hicks-Callaway and Jayaram N. Naidu, M.D. Staff members present were Stephen Brint Carlton, J.D.; Scott Freshour, J.D., General Counsel; Robert Bredt, M.D., Medical Director;; and various other staff.

Agenda item #1, Mission Statement. Dr. Zaafran read the board’s mission statement into the minutes. *Our Mission is to protect and enhance the public’s health, safety and welfare by establishing and maintaining standards of excellence used in regulating the practice of medicine and ensuring quality health care for the citizens of Texas through licensure, discipline, and education.*

Agenda Item #2, Board Member Report.

Balance Billing. Dr. Zaafran reported on Balance Billing rules.

Opioid Workgroup Update. Dr. Zaafran gave an update on Opioid Workgroup.

Agenda item #3, Consideration and approval of Mediated Settlement Agreed Orders. After discussion, Mr. Gracia moved, Mr. Cokinos seconded and the motion passed to **approve the Mediated Settlement Agreed Orders for Carrie Sue Cannon, M.D.; Michael Lee Blackwell, M.D.; Steven B. Inbody, M.D.; Robert Lee Stroud, M.D.; William Alan Andrews, M.D.; Samuel C. Ngwu, M.D.; Richard Martin Roberts, M.D.; Mercedes Schultz, M.D.; Deno B. Barroga, M.D.; Sivakolunthunathan Pathmanathan, M.D.; Jon Evan Rosenthal, M.D.; Frank Torres, M.D.**

Agenda item #4, Consideration and approval of Remedial Plans.

After consideration, Dr. Quinones moved, Dr. Farmer seconded and the motion passed to **approve the Remedial Plans for Ikram Urrehman Kureshi, M.D.; Maria Christina Madrid, M.D.; Warner Barron Massey, M.D.; Richard David Reitman, M.D.; Mark E. Skellenger, M.D.; Donald Craig Whitcomb, M.D.; Margaret Ming Jones, M.D.; Gary Edward Hill, M.D.; Jerron Carlyle Hill, M.D.; Carolyn Morrow Hyde, M.D.; Steven Don Johnson, D.O.; Kevin Edward Kendal, M.D.; Camil I. Kreit, M.D.; Neal Christopher Lawrence, M.D.; Lufkin Roger Moses, D.O.; Zach Nash, M.D.; Chukwujekwu Ikenna Okpalaji, M.D.; Roger Wayne Schultz, M.D.; David Paul Sheridan, M.D.; Debra Clough Stokan, M.D.; Matthew John Trovato, M.D.; Ellen Deloy Walthall, M.D.; Ruth Kristine Rector Wright, M.D.; Fiaz**

Zaman, M.D.; Orville Diaz Cerna, M.D.; Andrew William Chambers, M.D.; Harold Gene Cohen, M.D.; Richard Scott Dinkins, M.D.; Margaret Kinalska, M.D.; Elisa Maria Muniz, M.D.; Jeremy Andrew Smyrl, D.O.; Mohammad Arsha Khalil, M.D.; Thomas Bancroft Roshek, III, M.D.; Linda Elgert Yeatts, M.D.; John Edward Jones, M.D.; Richard H. Bevan-Thomas, M.D.; Pradnya S. Haldankar, M.D.; Mark Lewis Mayo, M.D.; and Ed Kheder, M.D.

Agenda item #5, Consideration and possible action for Agreed Orders. After consideration, **Dr. Bahtia moved, Dr. Nayak seconded and the motion passed to approve the Agreed Orders for Nhi P. Le, M.D. (Ms. Barnes recused); David R. Shafer, M.D.; Michael Robert Seawell, M.D.; Grit Armstrong Adler, M.D. (Ms. Barnes recused); Joseph David Peterson, M.D.; Christine Ann Contreras, M.D.; Thomas A. Donohue, M.D.; Norman Jay Dozier, M.D.; Kenekchukwu O. Eneli, M.D.; Michael Dee Flores, M.D.; Richard Allen Lankes, M.D.; Matthew Monroe, M.D.; Wayne Leslie Sager, M.D.; Nema Ibrahim Uwaydah, M.D.; Jaqueline Geneva Curtis, M.D.; Leeroy McCurley, M.D. (Ms. Barnes recused); Cameron Michael McDougall, M.D.; Deshawn Kirk Steward, M.D.; Emad Bishai, M.D.; Ndy C. Ikwuagwu, M.D.; Kevin James Shelton, M.D.; Peter B. Craig, M.D.; and Brett M. Cordes, M.D.**

Agenda item #6, Consideration and approval of Modification Request/Termination Request Orders. After consideration, **Mr. Gracia moved, Dr. Vanderweide seconded and the motion passed to approve the Modification Request/Termination Request Orders for Ikenna Adugba, M.D.; John Bryan Barnett, Jr., M.D.; Ralph Hamilton Brookshire, III, D.O.; William Bradley Burrows, D.O.; Ismael Diaz, Jr., M.D.; Khanh Gia Do, M.D.; Garry Wayne Killyon, M.D.; Cynthia Diane McNeil, M.D.; Mario Quintanilla, M.D.; Elisa Ribelles, M.D.; Michael F. Ruggiero, D.O.; David Lloyd Vanderheiden, D.O.; Annie Thomas Varughese, M.D.; David F. Villacres, M.D.; Robert Anthony Weaver, M.D.; Holly Jo Wyder, M.D.; and Avi T. Deshmukh, M.D.**

There were no items for agenda item #7.

Agenda item #8, Consideration and Approval of Cease and Desist Orders. After discussion, **Dr. Bahtia moved, Dr. Farmer seconded and the motion passed to approve the Cease and Desist Order for Rozen Lin McMillion, R.N.**

There were no items for agenda item #9.

Agenda Item #16, Medical Director Report. Dr. Bredt reported that there are currently 700 expert panelists. There is still a need for experts in orthopedic spine surgery, neurosurgery, neurology and psychology. Recommendations from the board are welcome.

Agenda Item #17, Public Information Report. Ms. Randermann reported that all guidance has been posted on the TMB homepage and discussed scam letters being sent to physicians on TMB letterhead that are not from TMB. Also on the TMB homepage is a link to Texas DSHS page regarding coronavirus. A customer service survey will be issued soon.

Agenda Item #10, Consideration and approval of Determinations for Default.

- a) **Roy Gillick, M.D., SOAH #503-19-6964.**MD Christopher Palazola, J.D., Litigation Manager, was present and gave a brief presentation. Dr. Gillick was not present and no one appeared on his behalf. After discussion, **Dr. Quinones moved, Mr. Cokinos seconded and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Determinations for Defaults for Roy Gillick, M.D., and to adopt the staff's suggested final order of revocation.**

There were no items for agenda item #11.

Agenda Item #12, Executive Director Report.

Budget Report. Mr. Carlton reported that the budget is on track.

Internal Audit Update. Mr. Carlton reported that the Registrations Process is the topic for the FY2020 Internal Audit.

Stakeholder Meeting/Opioid Workgroup Update. Mr. Carlton gave an update on the Stakeholders Meeting and Opioid Workgroup.

Mr. Carlton discussed rules changes regarding PHP and conceded eminence.

Mr. Carlton reported that TMB is participating in two meetings a week at State Operations Center and daily calls with Texas DSHS regarding coronavirus concerns.

Mr. Carlton reported TMA concerns with the new call in and testing times for TXPHP participants engaged in drug and alcohol screening. **The board directed staff to look at potential changes to TMB and TXPHP's call in and testing times and bring back recommendations to the board.**

Mr. Carlton reported on the results of the Employment Engagement Survey conducted by the University of Texas.

Agenda Item #5, Consideration and possible action for Agreed Orders. (CONT.)

After consideration, **Dr. Quinones moved, Ms. Molina seconded and the motion passed to go into executive session at 9:20 AM for the purpose of private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act Section 551.071, Government Code.**

Open session resumed at 9:31 am.

After discussion, **Dr. Bahtia moved, Dr. Vanderweide seconded and the motion passed to deny the Agreed Order for Harcharan Singh Narang, M.D.**

Agenda Item #13, Discussion, recommendation, and possible action relating to Disciplinary Process Review Committee investigation process recommendation. The board discussed Disciplinary Process Review Committee investigation process recommendation.

Agenda Item #14, Discussion, recommendation, and possible action relating to impairment questions. After consideration, **Dr. Vanderweide moved, Dr. Bahtia seconded and the motion passed to strike the five questions as they currently stand and the existing**

renewal question for all license types and substitute with the wording of the FSMB question, with a specific paragraph referring licensees in need to the TXPHP program.

Agenda Item #15, Discussion, recommendation, and possible action relating to conceded eminence. The board discussed conceded eminence. No action was taken.

There were no items for agenda item #18.

Agenda Item #19, Consideration and possible action regarding pending litigation. Mr. Freshour gave an update on pending litigation. No action was taken.

Agenda Item #20, Report of Temporary Suspension Hearings. A report on Temporary Suspensions was presented.

There were no items for agenda item #21-22.

Agenda Item #23, Report on Cease and Desist Orders approved by Executive Director. A report on Cease and Desist Orders approved by Executive Director was presented.

Agenda Item #24, Report on Automatic Revocation Letters by Executive Director. A report on Automatic Revocation Letters by Executive Director was presented.

There were no items for agenda item #25-28.

Agenda Item #29, Discussion, Recommendation, and possible action regarding proposed rule amendments to 22 T.A.C., Part 9, Texas Medical Board.

- Chapter 166, Physician Registration
§166.2 - Continuing Medical Education
- Chapter 170, Pain Management
Subchapter A, Pain Management
§170.2 - Definitions
Subchapter B, Utilization of Opioid Antagonists
§170.5 – Definitions

The board discussed proposed rule amendments. No action was taken.

There were no items for agenda item #30-35.

Agenda Item #36, Open Forum for Public Comment. Sheila Hemphill signed in and gave public comment.

There were no items for agenda item #37

CONSENTAGENDA

Discussion/Action Items – to be considered at any time the full board is in session:

1. Consideration and approval of the December 6, 2019 Medical Board Meeting Minutes and action items.
2. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

After Consideration, **Dr. Bahtia moved, Ms. Barnes seconded, and the motion passed to approve the Consent Agenda items:**

1. **Consideration and approval of the December 6, 2019 Medical Board Meeting Minutes and action items.**
2. **Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.**

Agenda Item #38, Adjourn. There being no further agenda items, **Dr. Bahtia moved, Dr. Nayak seconded, and the motion passed to adjourn the meeting at 10:18 am.**