



# Texas Medical Board

BOARD MEETING  
333 GUADALUPE, TOWER 2, SUITE 225  
AUSTIN, TEXAS  
December 2, 2016

The meeting was called to order on Friday, December 2, 2016 at 8:11 a.m. by Board President, Michael Arambula M.D., PharmD. Board members present were: George Willeford III, M.D., Vice-President; Julie Attebury; Frank S. Denton; Carlos L. Gallardo; John R. Guerra, D.O.; Allan Shulkin, M.D.; Surendra Varma, M.D.; Stanley S. Wang, M.D.; and Timothy Webb, J.D. Board members absent were David Baucom; John Ellis, Jr., J.D.; Manuel G. Guajardo, M.D.; J. Scott Holliday, D.O.; and Robert B. Simonson, D.O. Margaret McNeese, M.D. and Paulette Southard arrived at 8:14 a.m. Karl Swann, M.D. arrived at 10:25 a.m. Board staff present were Scott Freshour, J.D., Interim Executive Director; Robert Bredt, M.D., Medical Director, Megan Goode, Governmental Affairs and Public Information Manager, and the Assistant General Counsels, Rob Blech, J.D.; Sarah Tuthill, J.D.; Wendy Pajak, J.D., and Yvette Yarbrough, J.D.; and various other staff.

**Agenda item #1, Mission Statement.** Dr. Arambula 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 #8, Consideration and possible action regarding pending litigation.** After discussion, **Dr. Willeford moved, Mr. Guerra seconded, and the motion passed to go into Executive Session at 8:14 a.m. for private consultation and 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 .008, 164.007(c), and 164.202 & .203, Occupations Code.** Open session resumed at 9:10 a.m. and it was announced that no action was taken. A certified agenda was made. After consideration, **Dr. Willeford moved, Ms. Southard seconded, and the motion passed to direct staff to proceed with the advice of the counsel concerning Teladoc, Inc.**

The board recessed at 8:51 a.m.

The board reconvened at 9:00 a.m. and a quorum was confirmed.

**Agenda item #5, Public Information Update.** Ms., Goode gave a report on Texas Lyme Disease Association letter requesting the board to promote a CME opportunities related to the treatment for tick-borne disease. Board directed staff to attach the letter to possibly the webpage or Facebook and publish an article in the next bulletin. Mr. Schneider gave an update on the upcoming bulletin.

**Agenda item #21, Consideration and approval of Proposal for Decisions at 9:00 a.m.**

**1. Ronald F. Kahn, M.D., SOAH #503-16-1272.M.D.** Ms. Pajak gave a brief procedural background. Susan Rodriguez, J.D., staff attorney, was present. Ronald F. Kahn, M.D. was not present. Michael S. Burg, J.D., was present representing Dr. Kahn. Mr. Burg gave a presentation. Ms. Rodriguez gave a presentation. Mr. Burg gave a brief rebuttal. After discussion, **Dr. Willeford moved, Ms. Southard seconded, and the motion passed to follow staff's recommendations adopt Findings of Fact #1-12 and Conclusions of Law #1-9 as proposed by the Administrative Law Judge and further to initiate judicial review of Findings of Fact #13 and #14 and Conclusion of Law #10.** Mr. Webb, Dr. Shulkin, Mr. Denton and Dr. Guerra opposed to the motion.

**Agenda item #3, Executive Director Report.**

**Legislative Update.** Ms. Goode gave a Legislative update with items and dates of interest. Ms. Goode gave a brief report on the Senate Committee on Health and Human Services Interim Report. Ms. Goode reviewed the Sunset Advisory Commission Executive Summary and Report of the Texas Medical Board that included issues and recommendations.

**Outreach.** Mr. Freshour reported that Amy Swanholm, J.D., Assistant General Counsel will present the majority of future Outreach presentations. Monique Johnston, Licensure Manager, will continue to make presentations for Licensure. This will allow Outreach presentations to continue during legislation session.

**Budget.** Ms. Corrales presented the 2017 FY's budget and reported the budget and revenue is on track.

**Agenda item #32, Open forum for public comments at 9:30 a.m.** Tony Farmer; Elizabeth Naugle; Haley Mack; Vicky Hassell; Mary Krenek; Nick Reed; Sheila Hemphil; Coleman Hemphil; Chris Kinsey; Michael Cargil; Ronald Douglass; Russell Doyle; Esther Pollard; Julie Williams and Julie Minis signed-in and presented public comments.

The board recessed at 10:43 a.m.

The board reconvened at 10:53 a.m. and a quorum was confirmed.

**Agenda item #6, Report Physician Assistant Liaison.** Jason Cooper, PA, reported the physician assistant licensing process is up to date. The next Physician Assistant Board meeting is scheduled March 24, 2017.

Agenda item #7 was deferred to later in the meeting.

Agenda item #9 was heard earlier in the meeting.

**Agenda item #10, Consideration and approval of Modification Request/Termination Request Orders.** After discussion, Ms. Southard moved, Ms. Attebury seconded, and the motion passed to approve the Modification Granted Orders for Yassar I Ahmed, M.D. TRS Denied; the Termination Denied for Fernando J. Aviles, M.D., and Sabrina M. Echoles, M.D.; the Modification Request Orders Granted for John B. Barnett, M.D.; Darcey G. Kobs, III, M.D., Kang Sun Lee, M.D., and the Termination Request Orders for Viraf R. Cooper, M.D., Jesus A. Lopez, M.D., Steven L. Sax, M.D., Sergio Silva, M.D., Jose D. Trevino, M.D., and the TRS Granted for Robert P. Ryan, M.D.

**Agenda item #11, Consideration and possible action for Agreed Board Orders.** After discussion, Dr. Wang moved, Mr. Webb seconded, and the motion passed to approve the Agreed Order for Erum Naqvi, M.D.

After discussion, Mr. Gallardo moved, Ms. Southard seconded, and the motion passed to approve the Agreed Order #12 with the modifications to add a public reprimand.

Dr. Varma recused for Craig S. Bradley, M.D. Ms. Attebury moved, Ms. Southard seconded, and the motion passed to approve the Agreed Orders en masse for Deborah R. Fisher, M.D., Craig S. Bradley, M.D.; David D. Burdette, M.D.; Ryan E. Jones, M.D.; Vincent A. Lombardi, M.D.; Frank Pallares, M.D.; Jorge Salcedo, M.D.; Robert A. Ersek, M.D.; Billy W. Henderson, M.D.; Dzung A. Nguyen, M.D.; Victor-Hugo Arellano, M.D.; Jennifer Lee Davis, M.D.; Grant T. Fankhauser, M.D.; David A. Jolivet, M.D.; Louis F. Worthing III, M.D.; Nancy A. Scheinost, M.D.; Conrado Cantu, M.D.; and Robert L. Levy, M.D.

After discussion, Mr. Gallardo moved, Ms. Southard seconded, and the motion passed to approve the Agreed Order for Benjamin S. Martinez, MRT.

**Agenda item #12, Consideration and approval of Mediated Settlement Agreed Orders.** After discussion, Ms. Southard moved, Dr. Willeford seconded, and the motion passed to approve the Mediated Settlement Order for Terry W. Hugg, M.D.

After discussion, Mr. Webb moved, Dr. Varma seconded, and the motion passed to approve the Mediated Settlement Order for Benedict O. Olusola, M.D.

After discussion, Mr. Gallardo moved, Ms. Southard seconded, and the motion passed to approve the Mediated Settlement Orders for Ikenna Adugba, M.D. and Lilly I. Chen, M.D.

**Agenda item #13, Consideration and approval of Remedial Plans.** After discussion, Dr. Varma moved, Mr. Gallardo seconded, and the motion passed to pull the Remedial Plan #1, due to a previous board action the respondent does not qualify for a Remedial Plan.

After discussion, Mr. Gallardo moved, Ms. Southard seconded, and the motion passed to approve with the modification to convert the Remedial plan to an Agreed Order for #17.

After discussion, **Mr. Gallardo moved, Dr. McNeese seconded, and the motion passed to approve the Remedial Plans for: Michele M. Armada, M.D.; Lynn B. Barlow II, M.D.; Elliott B. Black, M.D.; Jean- Denis Boucher, M.D.; Christopher J. Brown, M.D.; Richard T. Calvin, M.D.; Meera R. Gupta, M.D.; Erin A. Jones, D.O.; George K. Katei, M.D.; Warren E. Lichliter, M.D.; Robert A. Lindsay, M.D.; Jane S. Matthews, M.D.; Donald O. Ozumba, M.D.; Bradley A. Perkins, M.D.; John M. Worrell Jr, M.D.; Leah W. Antoniewicz, M.D.; Timothy F. Archer, M.D.; Lourdes R. Bosquez, M.D.; Esther L. Fields, M.D.; Carisa Liew, M.D.; Ray K. Shrum, M.D.; Ricardo Vela, M.D. and Steven G. Nelson, M.D.**

There were no items for Agenda items #14-#18.

**Agenda item #19, Consideration and approval of Cease and Desist Agreed Orders.** After consideration, **Dr. Varma moved, Dr. McNeese, seconded, and the motion passed to approve the Agreed Cease and Desist Order for Catharina Hunter.**

**There were no items for Agenda item #20.**

**Agenda item #22, Report on Temporary Suspension Hearings.** A report was given on the Temporary Suspension hearings for Jeffrey K. Gilbertson, M.D. with notice.

**Agenda item #23, Report on Cease and Desist Orders approved by Executive Director.** A report was presented on the Cease and Desist Orders for Marvin Sams approved by the Executive Director.

**Agenda item #24, Report on Motions for Rehearing Requests.** A report was given on the Motions for Rehearing Request.

**Agenda item #25, Report of Suspension by Operation of Law.** A report was given on the Suspension by Operations Law for Benjamin Martinez, M.D.; Donovan Simmons, M.D.; Giam M. Nguyen, DO and Warren B. Dailey, M.D.

There were no items for Agenda items #26-31.

**Agenda item #7, Report, consideration, and possible action regarding executive director position.** Dr. Arambula informed the board that the executive direction position is still open.

**Agenda item #2, Board Member Report.** Dr. Arambula thanked the board members for their continued service.

### **Consent Agenda**

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

1. Consideration and approval of the October 14, 2016 Board Meeting Minutes. **Mr. Gallardo moved, Ms. Southard seconded, and the motion passed to approve the October 14, 2016 Board Meeting Minutes.**

2. Consideration and approval of the November 22, 2016 Executive Search Committee meeting minutes and action item. **Dr. McNeese moved, Ms. Attebury seconded, and the motion passed to approve the November 22, 2016 Executive Search Committee Minutes.**

3. Consideration and approval of the November 30, 2016 Executive Search Committee meeting minutes and action item. **Ms. Attebury moved, Mr. Webb seconded, and the motion passed to approve the November 30, 2016 Executive Search Committee Minutes.**

4. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Dr. McNeese gave report of the DPRC meeting. **Dr. McNeese moved, Dr. Varma seconded, and the motion passed to approve the DPRC Committee meeting minutes and action items.**

Ms. Attebury gave a report of the Finance Committee meeting. **Ms. Attebury moved, Mr. Gallardo seconded, and the motion passed to approve the Finance Committee meeting minutes and action items.**

Dr. Arambula gave a report of the Executive Committee meeting. **Dr. Arambula moved, Ms. Southard seconded, and the motion passed to approve the Executive Committee meeting minutes and action items.**

Mr. Webb gave a report of the Licensure Committee. **Mr. Webb moved, Mr. Gallardo seconded, and the motion passed to approve the Licensure Committee meeting minutes and action items.**

Dr. Arambula gave a report of the Advertising Board Certification Ad Hoc Committee. **Dr. Arambula moved, Ms. Southard seconded, and the motion passed to approve the Advertising Board Certification Ad Hoc Committee meeting minutes and action items.**

**Agenda item #34, Adjourn.** There being no further agenda items, **Mr. Webb moved, Mr. Shulkin seconded, and the motion passed to adjourn the meeting at 11:35 a.m.**