



Texas Medical Board

BOARD MEETING

December 4, 2020

Video Conference

The meeting was called to order on Friday December 4, 2020 at 8:03 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Kandace B. Farmer, D.O., Vice-President; Michael E. Cokinos, Sec/Treasurer; Sharon Barnes; George L. DeLoach, D.O.; Robert Gracia; Tomeka Herod ; James S. Distefano, D.O.; Roberto D. Martinez, M.D.; Linda Molina, J.D.; LuAnn R. Morgan; Manuel “Manny” Quinones, Jr., M.D.; Jason K. Tibbels, M.D. and David G. Vanderweide, M.D. Arun Agarwal; Devinder S. Bhatia, M.D.; Jeffrey L. Luna, M.D.; Jayaram N. Naidu, M.D.; and Satish Nayak, M.D. did not attend. Staff members present were Stephen Brint Carlton, J.D., Executive Director; 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.

Introduce Dr. Distefano. Dr. Zaafran introduced and welcomed Dr. Distefano to the board.

Dr. Zaafran saluted healthcare professionals who are in the front lines during this pandemic and discussed the two vaccines that will be available soon.

Agenda Item #3, Consideration and approval of Mediated Settlement Agreed Orders. After discussion, **Dr. Quinonez moved, Dr. Vanderweide seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Uchenna Okechukwu Aduba, M.D.**

Agenda Item #4, Consideration and approval of Remedial Plans. After consideration, **Mr. Gracias moved, Ms. Morgan seconded, and the motion passed to approve the Remedial Plans for Viraf R. Cooper, M.D.; John Brett Dietze, M.D.; Jennifer Wen Doe, M.D.; Anson John Koshy, M.D.; Raul Alfonso Marquez, M.D.; Jairaj Savani. M.D.; Holly Shannon Stewart, M.D.; Pat Allen Thomas, D.O.; Carlos Manuel Torres, M.D.; and Richard Henry Wagner, M.D.**

After consideration, **Dr. Quinones moved, Mr. Gracias seconded, and the motion passed to approve the Remedial Plans for Edd G. Advincula, M.D.; Ian J. Alexander, M.D.; Stephen Kwaku Antwi, M.D.; David Belcher, D.O.; Robert L. Burke, M.D.; Joshua Aaron Cox, M.D.; Robert Vincent Demartini, M.D.; Kyle Farr Dickson, M.D.; Mark Andrus Flood, D.O.;**

Avelino A. Garcia-Gomez, M.D.; David Gomez, M.D.; Javier Gerardo Gonzalez, M.D.; Eric M. Hughes, M.D.; Poonam M. Manasa, M.D.; Melissa B. Miller, M.D.; Bruce Lynn Russell, M.D.; and Scott Wayne Wyrick, M.D.

After consideration, **Ms. Barnes moved, Ms. Morgan seconded, and the motion passed to approve the Remedial Plans for Lee Ralph Colosimo, M.D.; Chandra Germain, Higginbotham, M.D.; and Lesley Crowley Motheral, M.D.**

After consideration, **Dr. Vanderweide moved, Dr. Quinones seconded, and the motion passed to approve the Remedial Plans for Nalini Balachandra, M.D.; Alejandro Esquivel, M.D.; Dane Derek Simons, M.D.; Isaac Tafur, M.D.; and Judy Ann Farias, M.D.**

Agenda Item #5, Consideration and possible action for Agreed Orders. After consideration, **Ms. Barnes moved, Dr. Vanderweide seconded, and the motion passed to approve the Agreed Orders for Clinton Charles Battle, M.D.; Joseph Carver Lampley, D.O.; Syed Munir Aziz, M.D.; Avi T. Deshmukh, M.D.; Renee Yvette Friday, M.D.; Jerry Newton, M.D.; Daniel McLain Babbel, M.D.; Mohammed Ayoub, M.D.; Pauldeep Bahra, M.D.; Howard Leland Boland, M.D.; Daniel Boris Hadzic, M.D.; Georgeanne Freeman, D.O.; Brett McCormack Cordes, M.D.; Christina A. Gougoutas Fox, M.D.; Sepehr Lalezari, M.D.; Kang Lu, M.D.; Daniel Salmeron, M.D.; Susan Heidi Senft, M.D.; Ziaullah Virk, M.D.; Joseph Howe Crumbliss, M.D.; Anna Rogers Carlock, M.D.; James Richard Meyer, M.D.; Hugo Alonzo Rojas, M.D.; Sebastian J. Ciacchella, M.D.; Leo Michael Hayes, D.O.**

Agenda Item #6, Consideration and approval of Modification Request/Termination Request Orders. After consideration, **Dr. Herod moved, Dr. Vanderweide seconded, and the motion passed to approve the Modification Request/Termination Request Orders for Rafael Antonio Avila, M.D.; Paula Lynn Bryant, M.D.; John O. Dimowo, M.D.; Cheor Jung Kim, M.D.; Ali Mohamed Nasur, M.D.; Kevin Joseph Pauza, M.D.; Stephen S. Rodrigues, M.D.; Erik Robert Sloman-Moll, M.D.; and Lawrence D. Broder, M.D.**

There were no items for agenda item #7.

Agenda Item #8, Consideration and Approval of Cease and Desist Orders. After discussion, **Ms. Morgan moved, Ms. Barnes seconded, and the motion passed to approve the Cease and Desist Orders for Zalinda Colston, APN and Mai Anh Huynh.**

There were no items for agenda items #9-13.

Agenda Item # 14 Executive Director Report.

Budget Update. Mr. Carlton reported that overall things are going well. The legislation did ask that 5% of the biennial budget be returned. Staff is prepping for the legislative session and preparing the legislative appropriation request.

Internal Audit Update. Mr. Carlton gave an update on the Internal Audit. The final report is not yet available.

COVID-19 Update. Mr. Carlton reported that the majority of staff continues to telecommute and virtual meetings will also continue.

Mr. Carlton reported on a suggestion from PBI Education and presented the FSMB Directory of Physician Assessment and Remedial Education Programs.
Mr. Carlton presented the updated metrics.

Agenda Item #15, Medical Director Report. Dr. Bredt reported that there is an all-time high of 756 expert panelists. There is a backlog of 10 neurosurgical cases. Dr. Bredt reported that DPRC approved 16 new panelists and recommendations for new expert panelists are always welcome.

Agenda Item #16, Public Information Update. Ms. Randermann provided a report.

Agenda Item #17, Report Physician Assistant Liaison. Janeth Mills, PA-C was present.

Agenda Item #18, Consideration and possible action regarding pending litigation. Mr. Freshour gave an update on pending litigation. **Mr. Gracias moved, Dr. Farmer seconded, and the motion passed to move open meeting into Executive Session at 9:09 a.m. 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 10:10 a.m.

Agenda Item #36, 10:11 a.m., Open Forum for Public Comment. Public comments were given by Sheila Hemphill, Texas Right to Know; and James “Jim” McClendon.

Agenda Item #19, Report on Temporary Suspension Hearings. A report on Temporary Suspensions was provided. No action was taken on this agenda item.

There were no items for agenda items #20.

Agenda Item #21, Report on Motions for Rehearing Requests. A report of Motions for Rehearing Requests was provided. No action was taken on this agenda item.

There were no items for agenda items for agenda items #22-29

Agenda Item #30 Discussion, Recommendation and possible action regarding adoption of proposed rule amendments to 22 T.A.C.

- Chapter 161: General Provisions
§161.11 – (New Rule) Memorandum of Understanding between Texas Medical Board (TMB) and Texas Physician Health Program (TXPHP)
- Chapter 170: Prescriptions of Controlled Substances
§170.10 – (New Rule) Waivers from Electronic Prescribing
- Chapter 180: Texas Physician Health Program
§180.4 – Operation of Program

- Chapter 183: Acupuncture
§183.20 – Continuing Acupuncture Education
- Chapter 184: Surgical Assistants
§184.4 – Qualifications for Licensure
§184.25 – Continuing Education
- Chapter 185: Physician Assistants
§185.6 – Biennial Renewal of License
- Chapter 186: Respiratory Care Practitioners
§186.10 – Continuing Education Requirements
- Chapter 187: Procedural Rules
§187.9 – Board Actions
§187.35 – Presentation of Proposal for Decision
§187.37 – Final Decisions and Orders
§187.38 – Motions for Rehearing
- Chapter 188: Perfusionists
§188.24 – Continuing Education
- Chapter 194: Medical Radiologic Technology
§194.7 – Biennial Renewal of Certificate or Placement on the Board’s Non-Certified Technician Registry

After discussion, **Dr. Farmer moved, Dr. Distefano seconded and the motion passed to adopt proposed rule amendments to 22 T.A.C. Chapter 170: Prescription of Controlled Substances, §170.10 – (New Rule) Waivers from Electronic Prescribing with nonsubstantive change recommended by TMA.**

After discussion, **Dr. Quinones moved, Ms. Barnes seconded and the motion passed to adopt proposed rule amendments to 22 T.A.C. Chapter 161: General Provisions, §161.11 – (New Rule) Memorandum of Understanding between Texas Medical Board (TMB) and Texas Physician Health Program (TXPHP); Chapter 180: Texas Physician Health Program, §180.4 – Operation of Program; Chapter 183: Acupuncture, §183.20 – Continuing Acupuncture Education; Chapter 184: Surgical Assistants, §184.4 – Qualifications for Licensure, §184.25 – Continuing Education; Chapter 185: Physician Assistants §185.6 – Biennial Renewal of License; Chapter 186: Respiratory Care Practitioners, §186.10 – Continuing Education Requirements; Chapter 187: Procedural Rules, §187.9 – Board Actions, §187.35 – Presentation of Proposal for Decision, §187.37 – Final Decisions and Orders §187.38 – Motions for Rehearing; Chapter 188: Perfusionists, §188.24 – Continuing Education; Chapter 194: Medical Radiologic Technology, §194.7 – Biennial Renewal of Certificate or Placement on the Board’s Non-Certified Technician Registry as recommended by staff at the end of the comment period.**

Agenda Item #36, Open Forum for Public Comment. (CONT.) Public comments were given by Rep. Bill Zedler.

There were no agenda items for agenda items 31-35

CONSENT AGENDA

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

After Consideration, **Dr. Herod moved, Dr. Vanderweide seconded, and the motion passed to approve the Consent Agenda items:**

- 1. Consideration and approval of the October 16, 2020 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.**

There were no agenda items for agenda item 37.

Agenda Item #38, Adjourn. There being no further agenda items, **Dr. Quinones moved, Dr. Vanderweide seconded, and the motion passed to adjourn the meeting at 11:00 a.m.**