



Texas Medical Board

BOARD MEETING

June 11, 2021

Video Conference

The meeting was called to order on Friday June 11, 2021 at 8:19 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Kandace Farmer, D.O., Vice President; Michael E. Cokinos, Secretary/Treasurer; Sharon Barnes; George L. DeLoach, D.O.; James Distefano, D.O.; Robert Gracia; Jeffrey L. Luna, M.D.; Robert Martinez, M.D.; LuAnn R. Morgan; Jayaram B. Naidu, M.D.; Satish Nayak, M.D.; and Manuel Quinones, Jr., M.D. Board members not present were Arun Agarwal; Devinder S. Bhatia, M.D.; and Tomeka Herod. 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.
(Ms. Barnes and Dr. Luna logged on after roll call)

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.

Presentation – Linda Molina, J.D. Dr. Zaafran announced that a Board Resolution and Texas Plaque would be sent to Linda Molina, J.D. in honor of her service on the board. Dr. Zaafran reported that refresher training will be delayed.

Agenda Item #3, Consideration and approval of Mediated Settlement Orders. After consideration, **Dr. Quinones moved, Ms. Morgan seconded and the motion passed to accept the Mediated Settlement Order for Lee S. Polluck, M.D.**

Agenda Item #4, Consideration and possible action for Remedial Plans. After consideration, **Dr. Quinones moved, Dr. Distefano seconded and the motions passed to accept the Remedial Plans for Carlos Atore, M.D.; Desi Elpidio Barroga, M.D.; Prabhdeep Kaur Grewal, M.D.; Eugene Victor Hudman, II, M.D.; Jerry Brys Liles, D.O.; Martha Manquero-Butler, M.D.; Steven Dale Rea, M.D.; Robert Leon Thompson, Jr., M.D.; and Michael Joe Whiteley, D.O.**

After further consideration, **Mr. Gracia moved, Ms. Morgan seconded and the motion passed to accept the Remedial Plans for Sailaja, Golla, M.D.; Troy Michael Neal, M.D.; and Kathryn Winick, M.D.**

After further consideration, **Dr. Quinones moved, Dr. Farmer seconded and the motion passed to accept the Remedial Plans for Omar H. Akhtar, M.D.; Joseph C. Allen, Jr., M.D.; Mohammad Ammar Ayass, M.D.; James Cattledge Barton, M.D.; Alexander Berkovich, M.D.; Carrie Fontenot Blades, M.D.; Larry Charles Boyd, M.D.; Thuy-Khanh**

Bui, D.O.; Kira Linell Butler, M.D.; Jesus Edmundo Calleros-Macias, M.D.; Marisol Carpio-Solis, M.D.; Daniel James Chartrand, M.D.; Bradley V. Culling, D.O.; Howard L. Dillard, Jr., M.D.; Alberto De Andre Duran, M.D.; Julian Gomez, III, M.D.; Barry Gritz, M.D.; Diane Kim Huyunh, D.O.; Lisa Margaret Jukes, M.D.; Wendy Wunching Lang, M.D.; Diana Elizabeth Luts, M.D.; Ryan Patrick O'Quinn, M.D.; Jeanne A. Paz, M.D.; Stephen Michael Schatz, M.D.; John Paul Schwartz, D.O.; Naveen Chandra Setty, M.D.; Lakshmi Vankata Subba Tenneti, M.D.; Cheryl Dalynda Vera-Burkhalter, M.D.; Aleksandra Vidacic, M.D.; Gita Viswam, M.D.; and Shannon Lee Watts, M.D.

After further consideration, **Mr. Gracia moved, Dr. Distefano seconded and the motion passed to accept the Remedial Plans for Devinder S. Bhatia, M.D.; Elias Darido, M.D.; Damon Herbie Hill, Jr., M.D.; Lindsey Nicole Jackson, M.D.; William Henry Krass, M.D.; Juan Jose Martin, M.D.; Maurice Ugwuibe, M.D.; Howard Mark Cohen, M.D.; and Tomas Gabriel Rios, M.D.**

Agenda Item #5, Consideration and possible action for Agreed Orders. After consideration, **Dr. Quinones moved, Dr. Nayak seconded and the motions passed to accept the Agreed Orders for Paul Williams Hurst, M.D.; Ghyasuddin Syed, M.D.; Woodrow William Coppedge, M.D.; Robert Mathew Hein, M.D.; Bradley Wayne Bakotic, D.O.; John J. Steele, M.D.; Grayson H. Wheatley, III, M.D.; John Wayne East, D.O.; Christopher N. Mason, M.D.; Richard Jay Perry, D.O.; Michael Byron Taylor, M.D.; Mark David Young, M.D.; Cory Lynne Brame, M.D.; Dennis Phuong Doan, M.D.; Phillip Neal Freeman, M.D.; Lawrence Victor Safadi, M.D.; Scott David Lauer, D.O.; Craig B. Henry, M.D.; Ellen Denise Willis, M.D.; and Bruce Allen Phillips, M.D.**

Agenda Item #6, Consideration and possible action for dispositions below minimum guidelines. Nothing to discuss.

Agenda Item #7, Discussion, recommendation and possible direction relating to IME/IDE. This was an information item only; no action was taken.

Agenda Item #8, Discussion, recommendation and possible direction relating to office-based procedures involving nitrous oxide or ketamine and the applicability of office-based anesthesia rules. After discussion, the Board directed staff to include the question of the applicability of office-based anesthesia rules to the use of nitrous oxide and ketamine in the rule review process.

Agenda Item #9, Consideration and approval of Modification Request/Termination Request Orders. After consideration, **Dr. Quinones moved, Ms. Morgan seconded and the motion passed to accept the Modification Request/Termination Request Orders for Jose Luis Castaneda, M.D.; Christine Ann Contreras, M.D.; Robert Victor Hallett, M.D.; Monira Hamid-Kundi, M.D.; Alok Pratap Kushwaha, M.D.; Gerald Paul Laursen, M.D.; Bhavik Kantibhai Patel, D.O.; Ranjitkumar P. Patel, M.D.; Danielo Perez, M.D.; Roberto Ruiz, Jr., M.D.; Makoto Saigusa, M.D.; Mercedes Schultz, M.D.; David R. Shafer, M.D.; James Martin Stocks, M.D.; and Jayson John Terres, M.D.**

There were no items for Agenda Item #10.

Agenda Item #11, Consideration and approval of Cease and Desist Orders. After consideration, **Mr. Gracia moved, Mr. Martinez seconded and the motion passed to accept the Cease and Desist Orders for Serge Gregoire; Polly Heil-Mealey; Jenna Martin, APN; Jennifer Trejo; and Martha Trigger.**

There were no items for Agenda Items #12-14.

Agenda Item #15, Consideration and approval of Determination of Default.

- a. **Lance Brown, M.D., SOAH #503-21-1122.MD** Kamisha Williams, J.D., was present and gave a brief presentation. Dr. Brown was not present, and no one appeared on his behalf. After discussion, **Dr. Martinez moved, Dr. DeLoach seconded and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Determination for Default for Lance Brown, M.D., and to adopt the staff's suggested Default Order for revocation.**
- b. **Stephen Smith, M.D., SOAH #503-21-1090.MD** Susan Rodriguez, J.D. was present and gave a brief presentation. Dr. Smith was not present, and no one appeared on his behalf. After discussion, **Mr. Gracia moved, Ms. Morgan seconded and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Determination for Default for Stephen Smith, M.D., and to adopt the staff's suggested Default Order for revocation.**
- c. **Febe Oro, M.D., SOAH #503-21-1799.MD** Melissa Mendoza, J.D. was present and gave a brief presentation. Dr. Oro was no present, and no one appeared on her behalf. After discussion, **Mr. Cokinos moved, Dr. DeLoach seconded and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Determination for Default for Febe Oro, M.D., and to adopt the staff's suggested Default Order for revocation.**

There were not items for Agenda Item #16.

Agenda Item #38, Open Forum for Public Comments. Five individuals gave public comments.

Agenda Item #17, Executive Director Report.

Budget Update. Mr. Carlton reported that the budget is on target. Mr. Carlton introduced Zac Chandonnet as the new CFO.

Internal Audit Update. Mr. Carlton gave an update on the Internal Audit.

Enforcement Report. Mr. Carlton provided a report.

Complaints Against the Agency. Mr. Carlton provided a report on complaints against the agency.

COVID-19 Update. Mr. Carlton reported that the agency continues to work primarily from home in response to COVID-19.

Legislative Update. Mr. Carlton provided a legislative update.

Agenda Item #18, Medical Director Report. Dr. Bredt reported that there were 11 experts approved by DPRC and 800 experts total. There is no immediate need for experts except

for psychiatrists. Dr. Bredt reported that he and Mr. Palazola are meeting with a third-party company that assists in finding experts and will keep the board updated on findings.

Agenda Item #19, Public Information Update. Mr. Carlton and Ms. Randermann provided a Public Information and Legislative Update highlighting the bills that directly affect the agency.

Agenda Item #20, Report Physician Assistant Liaison. Andrew Sauer, PA, was present.

Agenda Item #21 Consideration and possible action regarding pending litigation. Mr. Freshour gave a report on pending litigation. Ms. Morgan moved, Dr. Farmer seconded and the motion passed to move open meeting into Executive Session at 10:19 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 10:36 a.m.

Agenda Item #22, Report on Temporary Suspension Hearings. A report on Temporary Suspension Hearings was provided. No action needed.

Agenda Item #23, Report on Suspension Hearings. A report on Suspension Hearings was provided. No action needed.

Agenda Item #24, Report on Motions for Rehearing Requests. A report on Motions for Rehearing Requests was provided. No action needed.

Agenda Item #25, Report on Cease and Desist Orders approved by Executive Director. A report on Cease and Desist Orders approve by Executive Director was provided. No action needed.

Agenda Item #26, Report on Automatic Revocation Letters by Executive Director. A report on Automatic Revocation Letters by Executive Director was provided.

There were no items for Agenda Items #27-37, 39.

CONSENT AGENDA

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

After Consideration, Dr. Quinones moved, Dr. Farmer seconded, and the motion passed to approve the Consent Agenda items:

- 1. Consideration and approval of the March 5, 2021 and the April 12, 2021 Medical Board Meeting Minutes and action items.**
- 2. Consideration and approval of the March 1, 2021 and the April 30, 2021 Executive Committee Emergency meeting minutes and action items.**
- 3. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.**

Agenda Item #40, Adjourn. There being no further items, Dr. Farmer moved, Ms. Barnes seconded and the meeting adjourned at 10:39 am.