

TEXAS MEDICAL BOARD
MINUTES OF THE
DISCIPLINARY PROCESS REVIEW COMMITTEE
March 1, 2018

Chair Margaret C. McNeese, M.D., called the meeting to order at 10:04 a.m. Other members present were James “Scott” Holliday, D.O., Jeffrey Luna, M.D., LuAnn Morgan, Karl W. Swann, M.D., Surendra K. Varma, M.D., and Sherif Z. Zaafran, M.D. Julie K. Attebury was not present.

Staff members present were Scott Freshour, Interim 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 (PHP).

Dr. Holliday moved, and Dr. Varma seconded that PHP Case #1 remain under the management of PHP. Motion carried.

Dr. Holliday moved, and Ms. Morgan seconded that PHP Case #2 remain under the management of PHP. Motion carried.

Dr. Varma moved, and Dr. Holliday seconded that PHP Case #3 remain under the management of PHP. Motion carried.

Dr. Varma moved, and Dr. Holliday seconded that PHP Case #4 be returned to the jurisdiction of the Texas Medical Board. Motion carried.

Dr. Varma moved, and Ms. Morgan seconded that PHP Case #5 remain under the management of PHP. Motion carried.

Dr. Varma moved, and Ms. Morgan seconded that PHP Case #6 remain under the management of PHP. Motion carried.

Dr. Varma moved, and Dr. Luna seconded that PHP Case #7 remain under the management of PHP. Motion carried.

Dr. Holliday moved, and Dr. Zaafran seconded that PHP Case #8 be emergently returned to the jurisdiction of the Texas Medical Board. Motion carried.

Agenda Item #3. Reports and discussion regarding Texas Physician Health Program. (Dr. Fitzwater)

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. Freshour 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. Freshour presented the Enforcement Report for January 2018, 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 to board rule 193 and clarification of the Certified Registered Nurse Anesthetists (CRNA) rules.

Direction to Staff to look at Rule 193 under delegation as it relates to CRNA delegation and explore potential clarification with regards to delegation and physician responsibility.

Agenda Item #7. Review, discussion, and possible action regarding review of probationer's appearances.

Dr. Holliday moved, and Dr. Zaafran seconded that the waiver list on Agenda Item #7 be approved. Motion carried.

Agenda Item #8. Consideration and approval of membership of the Expert Physician Panel.

Dr. Varma moved, and Ms. Morgan seconded that the appointments of members to the Expert Panel be accepted as noted in the attachment. Motion carried.

Agenda Item #9. Reports and discussion regarding cases over one year old.

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

Dr. Holliday moved, and Dr. Zaafran seconded; the motion passed at 11:25 a.m. 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 .008, 164.007(c), Texas Occupations Code. Open session resumed at 1:08 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 #10. Review, discussion, and possible action regarding appeals of dismissed - complaints. A. Jurisdictional Complaints: i. Investigations: 16-6238, 17-4697, 17-4996, 17-4997, 17-5835, 17-7495; ii. Legal Files: 17-0101 (16-5364), 17-0684 (17-1960); B. Jurisdictional-Not-Filed Complaints: 16-5663, 16-7175, 17-2667, 17-5404, 17-7708, 17-8054, 17-8073, 17-8257, 18-0369, 18-0403, 18-0665, 18-0780, 18-0782, 18-0814, 18-0856, 18-0867, 18-0926, 18-0933, 18-0944, 18-0968, 18-0974, 18-1016, 18-1030, 18-1081, 18-1090, 18-1171,

18-1255, 18-1419, 18-1475, 18-1488, 18-1549, 18-1551, 18-1569, 18-1594, 18-1597, 18-1681, 18-1753, 18-1835, 18-1879, 18-2024, 18-2062, 18-2182, 18-2326, 18-2452, 18-2504, 18-2560;
C. Non-Jurisdictional Complaints: 18-1296

Dr. Varma moved, and Dr. Holliday seconded that all appeals under Agenda Item 10.A.i. be denied. Motion carried.

Dr. Zaafran moved, and Ms. Morgan seconded that the appeal of Item 10.A.ii, Case #17-0101 (16-5364) be granted and a new ISC scheduled. Motion carried.

Dr. McNeese moved, and Dr. Varma seconded that the appeal of Item 10.A.ii, Case #17-0684 (17-1960) be denied. Motion carried.

Dr. Luna moved, and Ms. Morgan seconded that the appeal of Item 10.B, Log 16-5663 be granted. Motion carried.

Dr. Morgan moved, and Dr. Holliday seconded that the appeal of Item 10.B, Log #18-0369 be granted. Motion carried.

Dr. Luna moved, and Dr. Holliday seconded that the appeal of Item 10.B, Log #18-1419 be denied. Motion carried.

Dr. Zaafran moved, and Dr. Holliday seconded that the appeal of Item 10.B, Log #18-1597 be granted. Motion carried.

Dr. Zaafran moved, and Ms. Morgan seconded that the appeal of Item 10.B, Log #18-2024 be granted. Motion carried.

Dr. Swann moved, and Dr. Varma seconded that the appeal of Item 10.B, Log #18-2062 be granted. Motion carried.

Dr. Holliday recused himself from any discussion on this case.

Dr. Holliday moved, and Dr. Varma seconded that all other appeals under Agenda Item 10.B not specifically granted above be denied. Motion carried.

Dr. Varma moved, and Dr. McNeese seconded that all appeals under Agenda Item 10.C be denied. Motion carried.

Agenda Item #11. Discussion, recommendation, and possible action regarding routine follow-up on investigative files previously referred from the DPRC for follow-up action, specifically including: 16-4401, 17-1618

Dr. Luna moved, and Dr. Holliday seconded that follow-up file #16-4401 be dismissed. Motion carried.

Dr. Luna moved, and Ms. Morgan seconded that follow-up file #17-1618 be dismissed. Motion carried.

Agenda Item #12. Review, discussion, and possible action regarding selected files and cases.

Dr. Varma moved, and Ms. Morgan seconded that all other files under Agenda Item 12 QA rejected Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. Holliday moved, and Dr. Luna seconded that all other files under Agenda Item 12 QA rejected Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. Holliday moved, and Dr. Luna seconded that SOAH Legal case 16-0108 be approved for dismissal. Motion carried.

Ms. Morgan moved, and Dr. Varma seconded that all other files under Agenda Item 12 Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. McNeese moved, and Dr. Holiday seconded that Legal case 18-0207 be denied for dismissal and an ISC to be scheduled. Motion carried.

Dr. Varma moved, and Dr. Luna seconded that all other files under Agenda Items 12 Standard of Care files for review be resolved as noted on the individual sign-off sheets. Motion carried.

Agenda Item #12. Adjourn.

Dr. Luna moved, and Dr. Holliday seconded that the meeting adjourn.

Motion carried at 1:40 pm.

TEXAS MEDICAL BOARD
Disciplinary Process Review Committee
TXPHP - Participant Case Review
March 1, 2018

Case #	Remain with PHP	TMB Accepted	Continue
1	X		
2	X		
3	X		
4		X	
5	X		
6	X		
7	X		
8		X	

Expert Panel Members for Board Approval March 2018

LAST	FIRST	LIC #	CITY	SPECIALTY
Ayar	Divyang	K9718	Corpus Christi	Interventional Radiology
Belvin	Brent	L2799	Allen	Physical Medicine & Rehabilitation
Blake	Philmore	K7246	Lake Jackson	Urology
Butler	Gordon	N0670	Dallas	Interventional Radiology
Carroll	Matthew	P9533	Aledo	Pediatrics
Majeski	Todd	Q8295	Houston	Physical Medicine & Rehabilitation
Mauk	Paul	F9791	Houston	Gastroenterology
McDonald	John	M8174	Austin	Orthopedic Surgery
Mehta	Sejal	L8835	Plano	Psychiatry
Mohun	Michael	F4295	McAllen	Emergency Medicine
Peterson	Elisha	Q9475	Houston	Anesthesiology/Pain Management
Rana	Humair	N4024	Dallas	Pain Management
Scherer	Elizabeth	Q4278	San Antonio	General/Trauma Surgery

Interim Approval

Ahmad	Minal	Q3842	San Antonio	Internal Medicine-Hospitalist
Anderson	Glenn	N2379	Houston	Neurological Surgery
Bauer	R.David	K3086	Garland	Orthopedic Surgey of The Spine
Gandhi	Darshan	N1640	Dallas	Oncology
Richards	Carter	Q8134	San Antonio	Pediatric Neurology
Smith	Rhonda	MRT00010619	Spring	Medical Radiologic Technologist
Soliman	Sameer	Q3806	San Antonio	Anesthesiology/Pain Management
Ylitalo	Adam	P5499	Woodway	Urology

DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED

ISC PANEL RECOMMENDATIONS – Texas Medical Board March 1, 2018

ISC Dismissal's

CASE # CLOSE CONTINUE TO ISC

17-0827	X		
18-0056	X		
17-0978	X		
17-0771	X		
18-0079	X		
18-0002	X		
17-0145	X		
18-0076	X		
18-0166	X		
17-0846	X		
18-0012	X		
18-0210	X		
18-0008	X		
18-0091	X		
18-0074	X		
18-0168	X		
18-0110	X		
17-0635	X		
18-0006	X		
17-0991	X		
17-0925	X		
18-0027	X		
18-0200	X		
18-0154	X		
18-0053	X		
18-0107	X		
18-0052	X		
18-0165	X		
16-0784	X		

Total = 29

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE # CLOSE CONTINUE TO ISC

18-0277	X		
18-0207			X
18-0135	X		
18-0068	X		
16-0698	X		
18-0256	X		
18-0201	X		
18-0278	X		
17-0653	X		
18-0081	X		
16-0697	X		
18-0146	X		
18-0343	X		
18-0192	X		
18-0148	X		
18-0149	X		
18-0013	X		

Total = 17

Pre-Approved for Submission/COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE # CLOSE CONTINUE TO ISC

18-0267	X		
18-0150	X		
18-0175	X		
18-0300	X		

Total = 4

SOAH Case Dismissals

CASE # CLOSE CONTINUE TO ISC

16-0108	X		
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TXPHP Dismissals

CASE # CLOSE CONTINUE TO ISC

18-0025	X		
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Total = 1

MARCH 1, 2018 DPRCDisciplinary Committee Decisions Regarding Complaints Reviewed Pursuant to Staff or ISC Panel Recommendation
(Physicians)

Total : 187

Log Number	Allegation	Close	Continue	ISC	Hold	Name
164401	164.051(A)(6)	X				
171618	164.051(A)(6)	X				
172259	164.052(A)(4)	X				
172673	164.051(A)(6)	X				
173762	164.051(A)(6)	X				
173787	164.051(A)(6)	X				
174202	164.051(A)(6)	X				
174238	164.051(A)(7)	X				
174533	164.051(A)(6)	X				
174655	164.051(A)(6)	X				
174674	164.053(A)(6)	X				
175034	164.051(A)(4)(B)	X				
175051	164.053(A)(8)	X				
175064	164.052(A)(5)	X				
175229	164.051(A)(6)	X				
175235	164.052(A)(5)	X				
175398	164.051(A)(6)	X				
175409	164.051(A)(7)	X				
175486	164.053(A)(6)	X				
175505	164.051(A)(6)	X				
175520	164.051(A)(6)	X				
175524	164.051(A)(6)	X				
175530	164.051(A)(6)	X				
175665	164.052(A)(5)	X				
175674	164.051(A)(6)	X				
175704	164.051(A)(6)	X				
175717	164.051(A)(6)	X				
175743	164.051(A)(7)	X				
175782	164.051(A)(6)	X				
175789	164.051(A)(6)	X				
175995	164.053(A)(5)	X				
176014	164.053(A)(6)	X				
176040	164.052(A)(5)	X				
176070	164.052(A)(5)	X				
176084	164.051(A)(6)		X			
176108	164.052(A)(5)	X				
176189	164.051(A)(6)	X				
176402	164.052(A)(5)	X				
176404	164.051(A)(6)	X				
176515	164.051(A)(4)(C)	X				
176537	164.052(A)(5)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
176542	164.051(A)(6)	X				
176544	164.051(A)(6)	X				
176569	164.052(A)(5)	X				
176586	164.051(A)(6)	X				
176610	164.051(A)(6)	X				
176682	164.051(A)(6)	X				
176692	164.051(A)(6)	X				
176713	151.002(A)(13)	X				
176721	164.051(A)(6)	X				
176742	164.051(A)(6)	X				
176798	164.052(A)(5)	X				
176809	164.052(A)(5)	X				
176811	164.052(A)(5)	X				
176835	164.052(A)(5)	X				
176857	164.053(A)(6)	X				
176860	164.051(A)(6)	X				
176892	164.053(A)(6)	X				
176918	164.051(A)(6)	X				
176922	164.051(A)(6)	X				
176932	164.051(A)(6)	X				
176959	164.051(A)(6)	X				
176965	164.051(A)(6)	X				
177037	164.051(A)(6)	X				
177042	164.051(A)(6)	X				
177058	164.051(A)(6)	X				
177124	164.051(A)(6)			X		
177171	164.052(A)(5)	X				
177173	164.051(A)(6)	X				
177174	164.052(A)(5)	X				
177186	151.002(A)(13)	X				
177191	164.052(A)(5)	X				
177235	164.051(A)(6)	X				
177252	164.052(A)(5)	X				
177258	164.052(A)(5)	X				
177263	164.051(A)(6)	X				
177265	164.051(A)(6)	X				
177306	164.051(A)(6)	X				
177308	164.051(A)(6)	X				
177310	164.053(A)(1)	X				
177315	164.051(A)(6)	X				
177318	164.051(A)(6)	X				
177345	164.051(A)(6)	X				
177456	164.051(A)(6)			X		
177479	164.051(A)(6)	X				
177509	164.052(A)(5)	X				
177514	164.051(A)(6)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
177520	164.052(A)(5)	X				
177560	164.052(A)(5)	X				
177574	164.052(A)(5)	X				
177577	164.051(A)(6)	X				
177596	164.051(A)(6)	X				
177612	164.051(A)(4)(D)	X				
177613	164.051(A)(6)	X				
177630	164.052(A)(5)	X				
177632	164.051(A)(6)	X				
177635	164.051(A)(6)	X				
177645	164.053(A)(8)	X				
177647	164.051(A)(6)	X				
177685	164.051(A)(6)	X				
177698	164.051(A)(6)	X				
177746	164.053(A)(3)	X				
177750	164.051(A)(7)	X				
177804	105.002(B)	X				
177819	164.051(A)(6)	X				
177839	164.053(A)(6)	X				
177852	164.053(A)(1)	X				
177884	164.051(A)(6)	X				
177899	164.051(A)(6)	X				
177955	164.051(A)(6)	X				
177979	164.051(A)(6)	X				
178018	164.052(A)(5)	X				
178020	164.051(A)(6)	X				
178041	164.053(A)(1)	X				
178045	164.051(A)(6)	X				
178072	164.051(A)(6)	X				
178083	164.051(A)(6)	X				
178112	164.052(A)(5)	X				
178123	105.002(B)	X				
178127	164.052(A)(5)	X				
178157	164.051(A)(6)	X				
178172	164.051(A)(6)	X				
178193	164.052(A)(5)	X				
178194	164.051(A)(6)	X				
178223	164.051(A)(6)	X				
178230	164.051(A)(6)	X				
178276	164.052(A)(5)	X				
178277	164.051(A)(6)	X				
178278	164.051(A)(4)(D)	X				
178311	164.052(A)(5)	X				
178313	164.052(A)(5)	X				
178314	164.052(A)(5)	X				
178316	164.052(A)(5)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
178318	164.052(A)(5)	X				
178319	164.052(A)(5)	X				
178320	164.051(A)(9)	X				
178331	105.002(B)	X				
178369	164.051(A)(6)	X				
178396	164.052(A)(5)	X				
178420	164.051(A)(6)	X				
178421	164.052(A)(5)	X				
178426	164.051(A)(6)	X				
178429	164.051(A)(6)	X				
178444	164.051(A)(4)(C)	X				
180014	164.051(A)(6)	X				
180042	164.051(A)(6)	X				
180061	164.053(A)(8)	X				
180065	164.051(A)(6)	X				
180156	164.051(A)(4)(D)	X				
180157	164.051(A)(6)	X				
180193	164.052(A)(17)	X				
180196	164.052(A)(5)	X				
180203	164.051(A)(6)	X				
180269	164.052(A)(5)	X				
180327	164.052(A)(5)	X				
180332	164.051(A)(6)	X				
180405	164.051(A)(4)(A)	X				
180442	101.351	X				
180452	105.002(B)	X				
180460	164.051(A)(6)	X				
180499	164.051(A)(4)(D)	X				
180501	164.053(A)(1)	X				
180524	164.053(A)(1)	X				
180608	164.051(A)(6)	X				
180634	56.003	X				
180642	164.051(A)(3)	X				
180722	164.051(A)(3)	X				
180724	164.052(A)(5)	X				
180741	164.051(A)(6)	X				
180849	164.052(A)(5)	X				
180983	164.052(A)(5)	X				
181022	164.051(A)(6)	X				
181055	105.002(B)	X				
181127	101.201	X				
181193	164.053(A)(1)	X				
181265	151.002(A)(13)	X				
181456	164.052(A)(5)	X				
181461	164.051(A)(6)	X				
181485	159.006	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
181558	164.053(A)(1)	X				
181560	164.053(A)(8)	X				
181606	164.051(A)(6)	X				
181702	159.002	X				
182002	164.051(A)(3)	X				
182280	164.052(A)(5)	X				
182563	164.051(A)(6)	X				
182966	164.053(A)(4)	X				