

TEXAS MEDICAL BOARD
MINUTES OF THE
DISCIPLINARY PROCESS REVIEW COMMITTEE
June 11, 2020 at 9:15 am

Chair, Manuel Quinones, Jr., M.D., called the meeting to order at 10:25 a.m. Other members present were Sharon Barnes, Devinder S. Bhatia, M.D., LuAnn Morgan, Jason K. Tibbles, M.D., David G. Vanderweide, M.D., and Sherif Zaafran, M.D. James "Scott" Holliday, D.O. and Robert Garcia were not in attendance.

Staff members present were Stephen Brint Carlton, J.D. Executive Director, Robert Bredt, M.D., Medical Director, Scott Freshour, J.D., General Counsel and various other staff.

Agenda Item #2. Discussion, recommendation, and possible action regarding referrals from the Texas Physician Health Program (TXPHP).

Ms. Barnes moved and Ms. Morgan seconded that TXPHP Case #1, 10-0119-A, remain under the management of TXPHP. Motion carried.

Ms. Barnes moved and Dr. Bhatia seconded that TXPHP Case #2, 15-0209, be returned to the jurisdiction of the Texas Medical Board. Motion carried.

Ms. Morgan moved and Ms. Barnes seconded that TXPHP Case #3, 16-0232, be returned to the jurisdiction of the Texas Medical Board. Motion carried.

Ms. Barnes moved and then withdrew a motion for TXPHP case #4, 16-0257. Ms. Barnes moved and Dr. Tibbles seconded that TXPHP Case #4, 16-0257, remain under the management of TXPHP. Motion carried.

Ms. Barnes moved and Dr. Bhatia seconded that TXPHP Case #5, 17-0281, remain under the management of TXPHP. Motion carried.

Dr. Zaafran moved and Ms. Morgan seconded that TXPHP Case #6, 17-0523, remain under the management of TXPHP. Motion carried.

Dr. Vanderweide moved and Dr. Bhatia seconded that TXPHP Case #7, 18-0218, remain under the management of TXPHP under zero tolerance. Motion carried.

Ms. Barnes moved and Dr. Vanderweide seconded that TXPHP Case #8, 18-0309, remain under the management of TXPHP. Motion carried.

Ms. Morgan moved and Dr. Vanderweide seconded that TXPHP Case #9, 19-0134, remain under the management of TXPHP. Motion carried.

Dr. Tibbles moved and Ms Barnes seconded that TXPHP Case #10, 19-0397, be returned to the jurisdiction of the Texas Medical Board. Motion carried.

Ms. Morgan moved and Dr. Bhatia seconded that TXPHP Case #11, 19-0917, remain under the management of TXPHP. Motion carried.

Agenda Item #3. Discussion, recommendation, and possible action regarding renewals involving impaired licensees.

It was announced by Mr. Carlton there were no impaired licensees.

Agenda Item #4. Reports and discussion regarding the Investigation, Litigation, and Compliance Departments.

Mr. Carlton presented the Enforcement Activity Report for the fourth meeting in FY2020 a copy of which is attached. This was an informational item only and no vote was necessary.

Agenda Item #5. Discussion, recommendation, and possible action regarding Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code:³
(none)

Agenda Item #6. Review, discussion, and possible action regarding review of probationer's appearances.

Dr. Vanderweide moved and Ms. Barnes seconded to approve review of probationer's appearances.

Agenda Item #7. Consideration and approval of membership of the Expert Physician Panel.

Ms. Barnes moved and Ms. Morgan seconded to approve the appointments of the Expert Panel members as noted in the attachment. Motion carried. Direction to staff to research the issue of expert eligibility. The wish is to continue to require having a Texas license and to be in active practice, but to no longer require the active practice to be within the state of Texas. If it requires a rule change to bring back language. If it does not require a rule change, then just implement the policy change.

Agenda Item #8. Reports and discussion regarding cases over one year old.

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

At 12:42 pm, Ms. Barnes moved and Ms. Morgan seconded, 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 160.008, 164.007(c), Texas Occupations Code. Open session resumed at 2:56 pm, and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

Agenda Item #9. Review, discussion, and possible action regarding appeals of dismissed complaints. A. Jurisdictional Complaints: i. 19-5262, 19-6066, 19-7079, 19-7162, 19-7191, 19-8493, 20-0017, Investigations: ii. Legal Files B. Jurisdictional-Not-Filed Complaints: 19-0626, 19-7624, 20-0372, 20-1489, 20-1628, 20-1716, 20-2063, 20-2148, 20-2653, 20-2823, 20-2891, 20-3135, **20-3254***, 20-3258, 20-3453, 20-3575, 20-3616, 20-3647, 20-3717, 20-3723, 20-3942, 20-3944, 20-4194, 20-4243, 20-4334, 20-4433, 20-4517, 20-4731, 20-4762, 20-4951, 20-5595, 20-5596, 20-5598, 20-5600, 20-5601, 20-5605, 20-5606, C. Non-Jurisdictional Complaint: 20-0695

Dr. Vanderweide moved and Ms. Barnes seconded that all appeals under Agenda Item 9.A.i above be denied. Motion carried.

Dr. Vanderweide moved and Dr. Bhatia seconded that the appeal of Item 9.B. Log #20-3254 be denied. Motion carried.

Dr. Quinones moved and Ms. Barnes seconded that the appeal of Item 9.B. Log #20-1489 be granted. Motion carried.

Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item 9.B. Log #20-4243 be granted. Motion carried.

Dr. Zaafran moved and Dr. Bhatia seconded that the appeal of Item 9.B. Log #20-4762 be granted. Motion carried.

Dr. Vanderweide moved and Ms. Barnes seconded that all other appeals under Agenda Item 9.B not specifically granted above be denied. Motion carried.

Dr. Vanderweide moved and Ms. Morgan seconded that all other appeals under Agenda Item 9.C be denied. Motion carried.

Agenda Item #10. Discussion, recommendation, and possible action regarding routine follow-up on investigative files previously referred from the DPRC for follow-up action, specifically including:

Dr. Bhatia moved and Dr. Tibbles seconded that follow-up file #19-1270 be dismissed. Motion carried.

Dr. Bhatia moved and Dr. Vanderweide seconded that follow-up file #19-4096 be granted.

At 3:52 pm, Ms. Barnes moved and Ms. Morgan seconded, 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 160.008, 164.007(c), Texas Occupations Code. Open session resumed at 4:47 pm, and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

Dr. Bhatia withdrew his motion and Dr. Vanderweide withdrew the second for follow-up file #19-4096.

Dr. Tibbles moved and Ms. Barnes seconded that follow-up file #19-4096 be dismissed. Motion carried. Direction to staff is to send custom letter and to review the process for assigning experts when there is an overlap of care delivered that is between the scope of several specialties.

Dr. Bhatia moved and Dr. Tibbles seconded that follow-up file #19-5218 be dismissed. Motion carried.

Dr. Zaafran moved and Ms. Barnes seconded that follow-up file #19-6034 be granted. Motion carried. Direction to staff, have an expert panelist review.

Ms. Barnes moved and Ms. Morgan seconded that follow-up file #19-6848 be dismissed. Motion carried.

Dr. Zaafran moved and Ms. Barnes seconded that follow-up file #20-1387 be dismissed. Motion carried.

Ms. Barnes moved and Ms. Morgan seconded that follow-up file #20-2686 be dismissed. Motion carried.

Agenda Item #11. Review, discussion, and possible action regarding selected files and cases.

Ms. Barnes moved and Dr. Vanderweide seconded that all files under Agenda Item 11 QA rejected Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Ms. Barnes moved and Dr. Vanderweide seconded that all files under Agenda Item 11 QA rejected Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Ms. Barnes moved and Dr. Vanderweide seconded that SOAH Legal case #19-0446 be approved for dismissal. Motion carried.

Ms. Barnes moved and Dr. Vanderweide seconded that all files under Agenda Item 11 Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Ms. Barnes moved and Dr. Vanderweide seconded that all files under Agenda Items 11 Standard of Care files for review be resolved as noted on the individual sign-off sheets. Motion carried.

Ms. Barnes moved and Ms. Morgan seconded that all files under Agenda Items 11. 3. a.b.c. files for review be resolved as noted on the individual sign-off sheets, with the exception of file #20-5418, 20-5422 and 20-5423. Motion carried.

Agenda Item #12 Adjourn.

Ms. Barnes moved and Dr. Bhatia seconded that the meeting adjourn.

Motion carried at 5:09 pm.

TEXAS MEDICAL BOARD
Disciplinary Process Review Committee
TXPHP - Participant Case Review
June 11, 2020

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

TMB - 4th Meeting - Enforcement Activity Report FY 2020**May 2020 Work load**

<u>Investigations/Complaints</u>	<u>May-20</u>	<u>FY 2020</u>	<u>FY2019</u>	<u>FY2018</u>
Initiated	129	1,505	2,127	2,201
SOC	64	655	1,015	
Completed	201	1,799	2,226	2,000

Litigation

ISCs	12	365	728	673
Contested Hearings	0	24	29	29
Complaints Filed at SOAH	0	29	82	94
Mediations	0	7	11	22
Temp. Suspensions	2	46	41	39

Compliance

Probationers	633		687	669
Drug/Alcohol screens	246	2,233	3,037	2,984

<u>Medical Board Actions</u>	<u>May-20</u>	<u>FY 2020</u>	<u>FY 2019</u>
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Final Orders	0	2	10
Defaults	1	3	2
Agreed Orders	23	80	171
Exec. Dir. Suspensions	0	0	1
Susp. by Operaton of Law	0	1	12
Exec. Dir. Cease & Desist	0	4	3
Mediations	12	23	36
Remedial Plans	39	70	108
Terminations	12	22	45
Modifications	5	7	15

Expert Panel Members for Board Approval June 2020

LAST	FIRST	LIC #	CITY	SPECIALTY
Dhruva	Achal	M3209	Cedar Park	Otolaryngology
Venkataraman	Aditya	P3476	Houston	Anesthesiology/Critical Care Anesthesiology
Chen	Alex	S3137	San Antonio	Anesthesiology/Pain
Benson	Amy	K9023	Lackland	Interventional Radiology/Diagnostic Radiology
Clapp	Benjamin	M1593	El Paso	General Surgery
Nwanze	Chuck	S3432	El Paso	Radiology
Molina	Diane	K9357	San Antonio	Forensic Pathology
Roberson	Eric	K2109	Pearland	Emergency Medicine/Internal Medicine
Asar	Firdous	S5828	Cypress	Family Medicine
Patel	Geeta	Q2042	Bellaire	Dermatology
Loaiza	Jose	N0220	El Paso	Family Medicine/Emergency Medicine
Ramdeen	Khris	Q3580	Austin	Internal Medicine
Williams	Koriand'r	R5954	The Woodlands	Physical Medicine & Rehabilitation
Lee	Maria	Q7576	Houston	Endocrinology
Zabalgoitia	Miguel	H8901	Harlingen	Cardiovascular Diseases
Schachel	Priti	L4111	Houston	OB/GYN
Reynolds	Richard	K7875	El Paso	Plastic Surgery
Foster	Robert	K0754	Austin	Orthopedic Surgery/Hand Surgery
Rizvi	Saba	R0311	Austin	Emergency Medicine
Soni	Samit	Q0179	Houston	Urology
Barclay	Scott	J6319	Big Springs	Family Practice
Teotia	Stephanie	P2194	Dallas	Plastic & Reconstructive Surgery
Vertrees	Stephanie	P3477	Austin	Neurology
Gogu	Sujan	R0401	Harlingen	Family Medicine
Sabo	Tonia	K9894	Dallas	Child Neurology

Reinstatement

Dinkins	Scott	N8642	Frisco	Family Practice
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Interim Approval

DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED Total= 72

ISC PANEL RECOMMENDATIONS – Texas Medical Board June 11, 2020

CASE #	CLOSE	CONT.	TO ISC
19-1050	X		
20-0606	X		
20-0217	X		
20-0316	X		
20-0336	X		
19-1081	X		
20-0183	X		
20-0204	X		
20-0309	X		
20-0157	X		
20-0372	X		
20-0235	X		
19-0890	X		
19-0955	X		
20-0337	X		
20-0402	X		
20-0315	X		
20-0275	X		
20-0295	X		
20-0339	X		
20-0216	X		
20-0570	X		
20-0281	X		
20-0279	X		
20-0544	X		
20-0303	X		
20-0630	X		

Total = 27

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE #	CLOSE	CONT.	TO ISC
20-0193	X		
20-0415	X		

Total = 27

Pre-Approved for Submission/COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE #	CLOSE	CONT.	TO ISC
20-0120	X		

Total = 1

SOAH Case Dismissals

CASE #	CLOSE	CONT.	TO ISC
19-0446	X		

Total = 1

TXPHP Dismissals

CASE #	CLOSE	CONT.	TO ISC
20-0048	X		
20-0049	X		
19-0773	X		
19-0679	X		
20-0755	X		
20-0669	X		
20-0389	X		
20-0675	X		
20-0387	X		

Total = 9

LEGAL Pre-Investigation Dismissal

CASE #	CLOSE	CONT.	TO ISC
20-0704	X		
20-0681	X		

Total = 7

DPRC JUNE 11 2020

Disciplinary Committee Decisions Regarding Complaints Reviewed Pursuant to Staff or ISC Panel
Recommendation (Physicians)

Total : 382

Log Number	Close	Continue	ISC	Hold	Name
144884	X				
163854	X				
164912	X				
164913	X				
171163	X				
171177	X				
172935	X				
173528	X				
174727	X				
175135	X				
176058	X				
177471	X				
182467	X				
185864	X				
186089	X				
188408	X				
188845	X				
189159	X				
189318	X				
190176	X				
190540	X				
191270	X				
191958	X				
192161	X				
192493	X				
192611	X				
192800	X				
192965	X				
193150	X				
193213	X				
193575	X				
193685	X				
194062	X				
194096	X				
194254	X				
195053	X				
195055	X				
195082	X				
195218	X				
195307	X				
195328	X				

Log Number	Close	Continue	ISC	Hold	Name
195704	X				
195771	X				
195987	X				
196034		X			
196390	X				
196430	X				
196536	X				
196558	X				
196648	X				
196652	X				
196689	X				
196724	X				
196848	X				
196855	X				
196904	X				
196905	X				
196922	X				
196946	X				
196951	X				
196996	X				
197089	X				
197130	X				
197143	X				
197244	X				
197276	X				
197284	X				
197288	X				
197324	X				
197328	X				
197329	X				
197455	X				
197463	X				
197464	X				
197510	X				
197563	X				
197609			X		
197653	X				
197674	X				
197818	X				
197945	X				
197968	X				
198002	X				
198051	X				
198139	X				
198153	X				
198155	X				

Log Number	Close	Continue	ISC	Hold	Name
198246			X		
198265	X				
198267	X				
198438	X				
198455	X				
198538	X				
198540	X				
198638	X				
198639	X				
198690	X				
198699	X				
198719	X				
198779	X				
198784	X				
198812	X				
198894	X				
198899	X				
198900	X				
198917	X				
200001	X				
200085			X		
200121	X				
200126	X				
200134	X				
200182	X				
200183	X				
200184	X				
200185	X				
200214	X				
200220	X				
200223	X				
200225	X				
200247	X				
200253	X				
200311	X				
200323	X				
200336	X				
200337	X				
200344	X				
200352	X				
200362	X				
200365	X				
200375	X				
200377	X				
200380	X				
200389	X				

Log Number	Close	Continue	ISC	Hold	Name
200453	X				
200457	X				
200492	X				
200518	X				
200523	X				
200529	X				
200530	X				
200531	X				
200532	X				
200574	X				
200577	X				
200587	X				
200590	X				
200595	X				
200630	X				
200634	X				
200702	X				
200712	X				
200730	X				
200731	X				
200752	X				
200764	X				
200772	X				
200808	X				
200822	X				
200825	X				
200826	X				
200837	X				
200865	X				
200870	X				
200924	X				
200926	X				
200933	X				
200941	X				
200970	X				
200982	X				
200988	X				
200989	X				
201047	X				
201059	X				
201080	X				
201088	X				
201089	X				
201121	X				
201123	X				
201126	X				

Log Number	Close	Continue	ISC	Hold	Name
201132	X				
201162	X				
201214	X				
201224	X				
201226	X				
201233	X				
201254	X				
201261	X				
201263	X				
201264	X				
201274	X				
201324	X				
201377	X				
201380	X				
201383	X				
201387	X				
201389	X				
201403	X				
201404	X				
201426	X				
201442	X				
201448	X				
201453	X				
201456	X				
201475	X				
201504	X				
201517	X				
201582	X				
201583	X				
201587	X				
201600	X				
201624	X				
201665	X				
201669	X				
201673	X				
201675	X				
201686	X				
201708	X				
201712	X				
201714	X				
201741	X				
201774	X				
201781	X				
201793	X				
201794	X				
201795	X				

Log Number	Close	Continue	ISC	Hold	Name
201796	X				
201799	X				
201843	X				
201850	X				
201859	X				
201888	X				
201898	X				
201904	X				
201916	X				
201924	X				
201925	X				
201933	X				
201942	X				
201952	X				
201961	X				
202060	X				
202072	X				
202079	X				
202080	X				
202139	X				
202140	X				
202141	X				
202149	X				
202150	X				
202166	X				
202196	X				
202203	X				
202217	X				
202223	X				
202232	X				
202239	X				
202253	X				
202257	X				
202330	X				
202337	X				
202344	X				
202350	X				
202358	X				
202361	X				
202387	X				
202401	X				
202422	X				
202425	X				
202426	X				
202427	X				
202430	X				

Log Number	Close	Continue	ISC	Hold	Name
202499	X				
202507	X				
202549	X				
202585	X				
202594	X				
202597	X				
202601	X				
202609	X				
202611	X				
202623	X				
202624	X				
202635	X				
202643	X				
202668	X				
202674	X				
202679	X				
202686	X				
202699	X				
202705	X				
202710	X				
202732	X				
202735	X				
202756	X				
202772	X				
202776	X				
202812	X				
202814	X				
202815	X				
202818	X				
202819	X				
202829	X				
202831	X				
202845	X				
202855	X				
202876	X				
202884	X				
202908	X				
202918	X				
203064	X				
203121	X				
203132	X				
203136	X				
203147	X				
203177	X				
203270	X				
203325	X				

Log Number	Close	Continue	ISC	Hold	Name
203441	X				
203447	X				
203452	X				
203518	X				
203546	X				
203548	X				
203549	X				
203603	X				
203656	X				
203658	X				
203888	X				
203910	X				
203927	X				
203968	X				
204092	X				
204093	X				
204146	X				
204259	X				
204268	X				
204269	X				
204313	X				
204341	X				
204420	X				
204424	X				
204442	X				
204448	X				
204455	X				
204459	X				
204564	X				
204852	X				
204911	X				
204917	X				
205064					
205075					
205237					
205240					
205241					
205242					
205254					
205256					
205343					
205365					
205414					
205416					
205417					
205418					

Log Number	Close	Continue	ISC	Hold	Name
205419					
205420					
205422					
205423					
205599					
205603					
205607					
205630	X				
205683	X				
205785	X				
205821					
205954					
205956					
205957					
205959					
206023					
206024					
206321	X				
206326	X				