

**TEXAS MEDICAL BOARD**  
**MINUTES OF THE**  
**DISCIPLINARY PROCESS REVIEW COMMITTEE**  
October 18, 2018

Chair Margaret C. McNeese, M.D., called the meeting to order at 9:33 a.m. Other members present were Sherif Z. Zaafran, M.D., Sharon Barnes, LuAnn Morgan, Manuel “Manny” Quinones, Jr., M. D., David G. “Dave” Vanderweide, M.D., James “Scott” Holliday, D.O., Surendra K. Varma, M.D., and Robert Gracia.

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).

**Dr. Varma moved and Dr. Holliday seconded that TXPHP Case #1 be returned to the jurisdiction of the Texas Medical Board for an Informal Settlement Conference. Motion carried.**

**Dr. Varma moved and Dr. Holliday seconded that TXPHP Case #2 be returned to the jurisdiction of the Texas Medical Board for an Informal Settlement Conference. Motion carried.**

**Dr. Varma moved and Ms. Barnes seconded that TXPHP Case #3 be returned to the jurisdiction of the Texas Medical Board for an Informal Settlement Conference. Motion carried.**

**Agenda Item #3.** Reports and discussion regarding Texas Physician Health Program.

This was an informational item only and no vote was necessary. Dr. Karney gave a report and raised issues about dual testing at PHP and TMB. Direction to staff was given to research the possibility of having a neutral 3<sup>rd</sup> party present at ISC to facilitate settlement in complex impairment cases, citing the Board of Nursing’s processes.

**Agenda Item #4.** Discussion, recommendation, and possible action regarding renewals involving impaired licensees.

**It was announced by Mr. Carlton that there was only 1 impaired renewal to be presented to the DPRC under Agenda Item #4. Dr. Holliday moved and Ms. Barnes seconded to refer the matter to investigations and evaluate for temporary suspension if information gathered indicates a possible continuing threat.**

**Agenda Item #5.** Reports and discussion regarding the Investigation, Litigation, and Compliance Departments.

**Mr. Carlton presented the Enforcement Activity Report, a copy of which is attached. This was an informational item only and no vote was necessary. Direction to staff was given to present the report in Excel format.**

**Agenda Item #6.** Discussion, recommendation, and possible action regarding Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code:<sup>3</sup>

**It was announced by Mr. Carlton that there were no proposed rules to be presented to the DPRC under Agenda Item #6.**

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

**Ms. Barnes moved and Dr. Varma seconded that the waiver of appearance as presented on Agenda Item #7 be approved. Motion carried.**

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

**Ms. Barnes moved and Dr. Quinones seconded to approve the appointments of the Expert Panel members as noted. Motion carried.**

**Agenda Item #9.** 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. Direction to staff was given to change the format of the report so that cases filed with the State Office of Administrative Hearings are categorized separately from other cases over a year old, and include in the report the date for filing such cases with the State Office of Administrative Hearings.

**At 10:38 a.m., Ms. Morgan moved and Ms. Barnes 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 1:55 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. 18-0196, 18-0215, 18-0722, 18-2872, 18-3290, 18-3291, 18-3521, Investigations: ii. Legal Files 12-0967 (12-1865), 18-0410 (17-8381), B. Jurisdictional-Not-Filed Complaints: 15-6758, 17-5831, 17-7921, 18-4747, 18-5003, 18-5534, 18-6024, 18-6081, 18-6082, 18-6083, 18-6349, 18-6417, 18-6460, 18-6526, 18-6913, 18-6924, 18-6983, 18-7022, 18-7048, 18-7059, 18-7071, 18-7185, 18-7346, 18-7358, 18-7501, 18-7902, 18-8081, 18-8189, 18-8224, 18-8225, 18-8300, 18-8346, 18-8414, 18-8533, 18-8544, 18-8597, 18-9147, C. Non-Jurisdictional Complaint: 18-2228

**Dr. Zaafran moved and Dr. Holliday seconded that the appeal of Item #10.A.i. Log #18-3290 be granted. Motion carried.**

**Dr. Zaafran moved and Dr. Holliday seconded that the appeal of Item #10.A.i. Log #18-3291 be granted. Motion carried.**

**Dr. Holliday and Dr. Varma seconded that all appeals under Agenda Item #10.A.i. not specifically granted above be denied. Motion carried.**

**Dr. Holliday moved and Dr. Varma seconded that the appeal of Item #10.A.ii. Log #18-0410 (17-8381) be granted. Motion carried.**

**Dr. Holliday moved and Dr. Varma seconded that the remaining appeals under Agenda Item #10.A.ii. not specifically granted above be denied.**

**Dr. Quinones moved and Dr. Holliday seconded that the appeal of Item #10.B, Log #17-7921 be granted. Motion carried.**

**Dr. Zaafran moved and Ms. Morgan seconded that the appeal of Item #10.B, Log #18-5003 be granted. Motion carried.**

**Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item #10.B, Log #18-6349 be granted. Motion carried.**

**Dr. Zaafran moved and Dr. Varma seconded that the appeal of Item #10.B, Log #18-7501 be granted. Motion carried.**

**Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item #10.B, Log #18-7902 be granted. Motion carried.**

**Dr. Varma moved and Ms. Barnes seconded that the appeal of Item #10.B, Log #18-8081 be granted. Motion carried.**

**Dr. Varma moved and Ms. Barnes seconded that the appeal of Item #10.B, Log #18-8533 be granted. Motion carried.**

**Dr. Varma moved and Ms. Barnes seconded that the appeal of Item #10.B, Log #18-8189 be granted. Motion carried.**

**Dr. Gracia moved and Ms. Barnes seconded that the appeal of Item #10.B, Log #18-9147 be granted. Dr. Zaafran and Dr. Holliday opposed. Motion carried.**

**Dr. Holliday moved and Ms. Barnes seconded that all other appeals under Agenda Item #10.B not specifically granted above be denied. Motion carried.**

**Dr. Holliday moved and Ms. Morgan seconded that the appeal of Item #10.C, Log #18-2228 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:

**It was announced by Mr. Carlton that there were no follow-up files to be presented to the DPRC under Agenda Item #11.**

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

**Dr. Zaafran moved and Ms. Barnes seconded that all 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. Zaafran moved and Ms. Barnes seconded that all files under Agenda Item #12 QA rejected Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.**

**Dr. Quinones moved and Ms. Barnes seconded that SOAH Legal case be approved for dismissal. Motion carried.**

**Dr. Holliday moved and Ms. Barnes seconded that all files under Agenda Item #12 Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.**

**Ms. Morgan moved and Ms. Barnes seconded that all files under Agenda Items #12 Standard of Care files for review be resolved as noted on the individual sign-off sheets. Motion carried.**

**Dr. Zaafran moved and Dr. Holliday seconded to extract Legal Case 18-0619 from the vote related to Agenda Item #12 for review. Motion carried.**

**Dr. Zaafran moved and Ms. Barnes seconded to defer dismissal on Legal Case 18-0619 under Agenda Item #12 and direction was given to staff to gather further information, regarding pattern of practice for all physicians involved in the practice at issue previously identified by the Board, including all issues related to supervision and mid-level practitioner qualifications, PMP data, Texas Board of Nursing information, etc., and then return the case to the committee for further consideration. Motion carried.**

**Agenda Item #13 Adjourn.**

**Dr. Varma moved and Ms. Morgan seconded that the meeting adjourn.**

**Motion carried at 2:15 p.m.**

**TEXAS MEDICAL BOARD**  
**Disciplinary Process Review Committee**  
**TXPHP - Participant Case Review**  
**October 18, 2018**

<b>Case #</b>	<b>Remain with PHP</b>	<b>TMB Accepted</b>	<b>Continue</b>
1		X	
2		X	
3		X	

**Expert Panel Members for Board Approval October 2018**

<b>LAST</b>	<b>FIRST</b>	<b>LIC #</b>	<b>CITY</b>	<b>SPECIALTY</b>
Brockman	Craig	L5687	Frisco	Emergency Medicine
Crum	Todd	N8501	The Woodlands	Emergency Medicine
Dar	Imran	P9180	Houston	Interventional Cardiology
Freeman	Jennifer	R4840	Fort Worth	General Surgery
Harrow	Jeffrey	P7119	Frisco	Emergency Medicine
Hendrix	Joseph	N5725	Irving	Anesthesiology/Pain Management
Jabor	Mark	L1894	El Paso	Plastic Surgery
Manus	Neil	R0752	Houston	Emergency Medicine
Nieves-Sosa	Jose	J7607	Brownsville	OB/GYN
Okosun	Frank	P7174	Rosharon	Internal Medicine
Parikh	Alay	P3561	Keller	Pediatrics
Pin	Paul	H5133	Dallas	Plastic Surgery
Umah	Margaret	P0937	Sugar Land	Family Medicine

**Interim Approval**

Vilela	Ronald	M9720	Houston	Pediatric Otolaryngology
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## DPRC October 2018

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

Total : 158

Log Number	Allegation	Close	Continue	ISC	Hold	Name
176060	164.052(A)(5)	X				
180221	164.053(A)(5)	X				
180852	164.053(A)(5)					
181095	164.053(A)(6)	X				
181123	164.051(A)(6)	X				
181215	164.051(A)(6)	X				
181324	164.051(A)(6)	X				
181457	164.051(A)(4)(D)	X				
181460	164.051(A)(6)	X				
181724	164.051(A)(6)					
181791	164.052(A)(4)	X				
182151	164.053(A)(5)	X				
182245	164.051(A)(6)	X				
182358	164.051(A)(6)	X				
182417	164.051(A)(6)	X				
182496	164.051(A)(6)	X				
182526	164.051(A)(6)					
182691	164.051(A)(6)	X				
182853	164.052(A)(5)	X				
183161	164.051(A)(6)	X				
183167	164.051(A)(6)	X				
183192	151.002(A)(13)	X				
183193	151.002(A)(13)	X				
183259	164.052(A)(5)	X				
183263	164.051(A)(6)	X				
183391	164.051(A)(6)	X				
183485	164.053(A)(6)	X				
183528	164.051(A)(6)	X				
183571	164.051(A)(7)	X				
183612	164.051(A)(6)	X				
183638	164.051(A)(6)	X				
183655	164.051(A)(6)	X				
183674	164.051(A)(3)	X				
183722	164.051(A)(6)	X				
183764	164.051(A)(6)	X				
183806	164.052(A)(5)	X				
183845	164.051(A)(6)	X				
183874	164.053(A)(1)	X				
183875	164.053(A)(1)	X				
183876	164.053(A)(1)	X				
183926	164.051(A)(6)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
183928	164.051(A)(6)	X				
183951	164.051(A)(6)	X				
183957	164.052(A)(5)	X				
184023	164.051(A)(6)	X				
184133	164.051(A)(6)	X				
184138	164.052(A)(5)	X				
184146	164.051(A)(6)	X				
184185	164.052(A)(5)	X				
184188	164.051(A)(6)	X				
184190	164.051(A)(6)	X				
184225	164.051(A)(3)	X				
184403	164.052(A)(5)	X				
184509	164.051(A)(6)	X				
184546	164.051(A)(6)	X				
184552	164.051(A)(6)	X				
184613	164.051(A)(6)	X				
184621	164.051(A)(6)	X				
184632	164.052(A)(5)	X				
184712	164.051(A)(6)	X				
184751	164.051(A)(6)	X				
184755	164.051(A)(6)	X				
184773	164.051(A)(6)	X				
184775	164.051(A)(6)	X				
184841	164.051(A)(6)	X				
184901	164.051(A)(6)	X				
184914	164.053(A)(1)	X				
184921	164.051(A)(6)	X				
184964	164.051(A)(6)	X				
184973	164.052(A)(5)	X				
185000	164.051(A)(6)	X				
185016	164.051(A)(6)	X				
185017	164.051(A)(6)	X				
185019	101.201	X				
185020	101.201	X				
185021	101.201	X				
185029	164.051(A)(6)	X				
185030	164.051(A)(6)	X				
185041	164.051(A)(6)	X				
185043	164.051(A)(6)	X				
185063	164.051(A)(8)	X				
185160	164.053(A)(6)	X				
185192	164.051(A)(8)	X				
185197	164.051(A)(8)	X				
185236	164.051(A)(6)	X				
185288	164.051(A)(6)	X				
185310	164.051(A)(6)	X				



Log Number	Allegation	Close	Continue	ISC	Hold	Name
185362	164.051(A)(6)	X				
185387	164.051(A)(6)	X				
185410	151.002(A)(13)	X				
185420	164.053(A)(8)	X				
185430	164.051(A)(7)	X				
185474	164.051(A)(6)	X				
185496	164.051(A)(6)	X				
185503	164.051(A)(6)	X				
185557	164.051(A)(6)	X				
185582	164.052(A)(5)	X				
185615	151.002(A)(13)	X				
185628	164.051(A)(6)	X				
185729	164.052(A)(5)	X				
185730	164.051(A)(6)	X				
185733	164.051(A)(6)		X			
185753	164.051(A)(6)	X				
185784	159.002	X				
185824	164.051(A)(6)	X				
185920	164.051(A)(6)	X				
185923	164.051(A)(6)	X				
185930	164.051(A)(6)	X				
185960	164.051(A)(6)	X				
185989	164.051(A)(6)	X				
186076	164.052(A)(5)	X				
186078	151.002(A)(13)	X				
186087	164.051(A)(6)	X				
186151	151.002(A)(13)	X				
186185	164.051(A)(6)	X				
186213	164.052(A)(5)	X				
186245	164.051(A)(6)	X				
186274	159.006	X				
186278	164.052(A)(5)	X				
186330	164.052(A)(5)	X				
186335	164.051(A)(9)	X				
186398	164.053(A)(1)	X				
186481	159.006	X				
186482	164.051(A)(6)	X				
186488	151.002(A)(13)	X				
186496	164.052(A)(5)	X				
186530	164.053(A)(1)	X				
186539	164.053(A)(6)	X				
186543	164.053(A)(1)	X				
186573	164.052(A)(5)	X				
186648	164.051(A)(6)	X				
186688	603.401	X				
186727	164.053(A)(1)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
186747	164.051(A)(3)	X				
186777	159.002	X				
186787	164.052(A)(5)	X				
186868	151.002(A)(13)	X				
186872	164.051(A)(6)	X				
187014	164.053(A)(1)	X				
187024	164.051(A)(6)	X				
187091	164.051(A)(9)	X				
187333	164.052(A)(5)	X				
187353	101.201	X				
187418	105.002(B)	X				
187435	164.051(A)(6)	X				
187447	164.052(A)(5)	X				
187600	164.053(A)(1)	X				
187896	164.052(A)(5)	X				
187919	164.052(A)(5)	X				
187925	164.053(A)(1)	X				
188118	151.002(A)(13)	X				
188204	164.053(A)(1)	X				
188385	164.053(A)(5)	X				
188506	151.002(A)(13)	X				
188507	164.053(A)(8)	X				
188582	164.053(A)(1)	X				
188892	164.051(A)(3)	X				
188944	164.051(A)(3)	X				