



Texas Medical Board

BOARD MEETING

December 8, 2023

The meeting was called to order on Friday December 8, 2023 at 8:01 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Michael E. Cokinos, Secretary/Treasurer; Sharon Barnes; Devinder S. Bhatia, M.D.; George L. DeLoach, D.O.; James Distefano, D.O.; Robert Gracia; Tomeka Herod; Robert Martinez, M.D.; LuAnn R. Morgan; Jayaram B. Naidu, M.D.; Jason Tibbels, M.D.; and David Vanderweide, M.D (Present at 8:08 am).

Kandace Farmer, D.O.; Satish Nayak, M.D.; Manuel Quinones, Jr., M.D. did not attend. Staff members present were: 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.

Dr. Zaafran made comments reiterating the importance of adhering to the Medical Practice Act.

Agenda Item #3, Discussion, recommendation, and possible action related to an internal auditor. Mr. Carlton reported that the agency has received multiple proposals for internal audit services for fiscal years 2024-2027. The agency recommended Garza/Gonzalez & Associates. After discussion, **Dr. Vanderweide moved, Ms. Morgan seconded, and the motion passed to approve Garza/Gonzalez & Associates as the TMB contracted Internal Auditor.**

Agenda Item #4, Consideration and possible action for dispositions below minimum guidelines. After consideration, **Dr. Bhatia moved, Dr. Distefano seconded and the motion passed to approve the dispositions below minimum guidelines for Danny Dubberly, MD; Craig Staebel, MD; James Young, MD; Peter Ping-Chung Chang, MD; Carrie Lenamond, MD; and Ricardo Montemayor, MD.**

Agenda Item #5, Consideration and approval of Mediated Settlement Agreed Orders. After consideration, **Ms. Morgan moved, Dr. Vanderweide seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Odette Campbell, MD and Sergio Alvarez, MD.**

Agenda Item #6, Consideration and possible action for Remedial Plans. After consideration, **Mr. Cokinos moved, Ms. Herod seconded, and the motion passed to approve the Remedial Plan for Marilyn Ruiz, MD; Douglas Stoddard, MD; Jinsong Zhang, MD; Oluyemisi Akintunde, MD; Kingsley Asumughha, MD; Danny Bartel, MD; Weldon Butler, MD; Lincoln Coffie, MD; Erik Garza, MD; Aaron Gingrich, MD; Lauren Hermann, DO; Zohra Khan, MD; Trung Le, MD; William Loving, MD; Juan Martinez, MD; Regina McFarland, MD; Gilber Ojong, MD; Gonzalo Reyes, MD; William Walker, MD; John Wier, III, MD; Uzodinma Dim, MD; Blaine Purcell, MD; and Donna Rich, MD.**

Agenda Item #7, Consideration and possible action for Agreed Orders. After consideration, **Dr. Bhatia moved, Mr. Martinez seconded, and the motion passed to approve the Agreed Orders for Andrew Cruz, MD; Juan Kurdi, MD; Bernard Rosenfeld, MD; Angela Gucwa, MD; Wael Milyani, MD; Canaan Harris, MD; Jeremiah Havins, MD; Marcos Ikeda, MD; Azim Karim, MD; and Juan Cartagena Almono, MD.** Item #6 under this Agenda Item was extracted by staff and deferred to later in the meeting.

Agenda Item #8, Consideration and approval of Modification Request/Termination Request Orders. After consideration, **Mr. Cokinos moved, Mr. Gracia seconded, and the motion passed to approve the Modification Requests/Termination Requests Orders for Renee Friday, MD; Emmanuel Harrison, MD; and Joseph Zadeh, DO.**

Agenda Item #9, Consideration and approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders. There were none.

Agenda Item #10, Consideration and approval of Cease and Desist Orders. After consideration, **Dr. Vanderweide moved, Ms. Herod seconded, and the motion passed to approve the Cease and Desist Orders for Javier Malcolm Barney (*Dr. Martinez recused*), and Phylis B. Canion.**

Agenda Item #11, Consideration and approval of Nunc Pro Tunc Orders. There were none.

Agenda Item #12, Consideration and approval of Agreed Resolution Orders. There were none.

Agenda Item #13, Consideration and approval of Consent Orders. There were none.

At 8:13 am, Dr. Zaafran moved and Ms. Herod seconded to go into Executive Session 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. The motion passed.

Open session resumed at 8:36 am.

Agenda Item #7, Consideration and possible action for Agreed Orders, Item #6. (CONT.) After consideration, **Dr. Vanderweide moved, Ms. Barnes seconded, and the motion passed to approve the Agreed Order for Dayakar Gagadam, MD.**

Agenda Item #4, Consideration and possible action for dispositions below minimum guidelines was recalled.

Dr. Zaafran moved to reconsider Item #4 under Agenda Item 4.

At 8:41 am, Ms. Morgan moved and Dr. Naidu seconded to go into Executive Session 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. The motion passed.

Open session resumed at 8:51 am.

Dr. Zaafran withdrew his motion to reconsider Item #4 in Agenda Item 4.

Agenda Item #14, Consideration and approval of Determination of Default.

a. Marianne Beard, D.O., SOAH No. 503-23-25742.DO

Amy Swanholm, JD, Litigation/Enforcement Support Manager, gave a brief overview of the case. Dr. Beard was not present, and no one was present on her behalf. After consideration, **Dr. Vanderweide moved, Ms. Herod seconded and the motion passed to accept the Determination of Default for Marianne Beard, D.O.**

b. Cesar Francisco Mella, M.D., SOAH No. 503-23-01105.MD

Amy Swanholm, JD, Litigation/Enforcement Support Manager, gave a brief overview of the case. Dr. Mella was not present, and no one was present on his behalf. After consideration, **Dr. Bhatia moved, Ms. Morgan seconded and the motion passed to accept the Determination of Default for Cesar Francisco Mella, MD.**

Agenda Item #15, Consideration and approval of Proposal for Decision. There were none.

Agenda Item #16, Executive Director Report.

Budget Update. Mr. Joey Estrada, CFO, provided an update on the budget.

Complaints Against the Agency There were none.

Legislative Update. Mr. Carlton gave an update on the budget approved and bills passed during the legislative session.

Rule Update. Mr. Carlton provided an update on rules being updated due to changes made during the legislative session.

Agenda Item #17, Medical Director Report. Dr. Bredt provided an update on the implementation of changes to the Expert Panelist process and current backlog.

Agenda Item #18, Public Information Update. Ms. Sloan provided an update on the material included in the newest bulletin and the redesign of the bulletin and website.

Agenda Item #20, Consideration and possible action regarding pending litigation. Mr. Freshour gave a report on pending litigation.

Agenda Item #21, Report on Temporary Suspension Hearings. A report on Temporary Suspension Hearings was provided.

Agenda Item #22, Report on Suspensions by Operation of Law. A report on Suspensions by Operation of Law was provided.

Agenda Item #23, Report on Motions for Rehearing Requests. There were none.

Agenda Item #24, Report on Cease-and-Desist Orders Approved by Executive Director. A report on Cease-and-Desist Orders Approved by the Executive Director was provided.

Agenda Item #25, Report on Automatic Orders. A report on Automatic Orders was provided.

There were no items for Agenda Items #26-35.

Agenda Item #36, Open Forum for Public Comment. No one provided comments.

Agenda Item #19, Report Physician Assistant Liaison. Dr. Ali was present and made comments.

Agenda Item #37, Discussion, recommendation, and possible action relating to personnel matters. There were none.

Consent Agenda, Discussion/Action Items – to be considered and any time the full board is in session:

- 1. Consideration and approval of the October 13, 2023, Medical Board Meeting Minutes and actions items.**
- 2. Committee reports and the consideration and approval of minutes and action items committees meeting during the board meeting.**

After discussion, Ms. Barnes moved, Ms. Morgan seconded, and the motion passed to approve the October 13, 2023, Medical Board Meeting Minutes and action items, as well as the minutes and action items of committees meeting during the board meeting.

Agenda Item #37, Adjourn. There being no further items, **Dr. Bhatia moved, Ms. Barnes seconded, and the motion passed to adjourn the meeting at 9:15 a.m.**