



Texas Medical Board

BOARD MEETING
333 GUADALUPE, TOWER 2, SUITE 225
AUSTIN, TEXAS
June 10, 2016

The meeting was called to order on June 10, 2016 at 8:04 a.m. by Michael Arambula, M.D., Board President. Board members present were: George Willeford III, M.D., Vice-President; Julie Attebury; Frank S. Denton; Carlos L. Gallardo; John R. Guerra, D.O.; J. Scott Holliday, D.O.; Margaret McNeese, M.D.; Allan Shulkin, M.D.; Robert B. Simonson, D.O.; Karl W. Swann, M.D.; Surendra K. Varma, M.D.; Stanley S. Wang, M.D.; and Timothy Webb, J.D. Board members absent were Paulette Southard, Secretary/Treasurer; David Baucom, John Ellis, J.D.; and Manuel G. Guajardo, M.D. Board staff present were Mari Robinson, J.D., Executive Director; Robert Bredt, M.D., Medical Director; Scott Freshour, J.D., General Counsel; Monique Johnston, Licensure Manager and various other staff.

Agenda item #1, Mission Statement. Dr. Arambula 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.

Agenda item #3, Executive Director Report.

Budget. Ms. Robinson presented the budget report for FY2016 that remains stable and on track.

Personnel Update. There was no personnel information presented.

Transitioning of New Licensing Groups Update. Ms. Robinson gave an update on the new licensing groups. Ms. Robinson noted the goal for the average licensure processing time is 30 days from the date a completed application is received.

Legislative Update. Ms. Robinson gave a brief report on the implementation of SB202 including the Medical Physicists and Perfusionist Licensure Advisory Committee meeting dates and the appointment of the new Board of Respiratory Care board members. Ms. Robinson noted that the FY17-21 Strategic Plan would be submitted in June as required. Ms. Robinson reported Interim Charge for improving access to care through telehealth and telemedicine is scheduled with the Senate Health & Human Services Committee June 16.

Sunset Review Update. Ms. Robinson gave a brief report on the information provided to the Sunset staff and reported staff is compiling requested licensure and enforcement data. Ms. Robinson informed the members they will be contacted by Sunset for their input.

Internal Audit. The TMB Compliance Department is undergoing an Internal Audit. The audit will also review the implementation status of prior year audit recommendations.

Outreach Update. Ms. Robinson presented the Outreach Schedule.

Email Updates. Ms. Robinson gave an update on the board members agency email addresses for members to use for board business.

Agenda item #4, Medical Director Report. Dr. Bredt gave an update on the process for a new quality check report. Dr. Bredt requested board members contact him with suggestions on pulmonologists who might be interested in serving as experts.

Agenda item #5, Public Information Update. Ms. Goode reported that DSHS has launched a public awareness campaign on the Zika virus. TMB staff is monitoring the DSHS website in order to link available information to the Medical Board home page. Mr. Schneider reported that the next TMB bulletin scheduled at the end of June will include information on the Board of Respiratory Care appointments.

There were no items for Agenda item #6.

Agenda item #7, Discussion, recommendation, and possible action regarding inspections. Ms. Robinson gave a report on the completion of a two-year inspection cycle of pain management clinics. After discussion, the board directed staff to begin putting pain management clinic violations through the disciplinary process and to continue a full cycle of office based anesthesia inspections with egregious violations reported through the disciplinary process.

Ms. Tuthill provided an overview of the increasing number of inquiries from physicians who report using nitrous oxide in an office setting. After discussion, the board directed staff to schedule a stakeholder meeting for additional input.

Agenda item #22 at 9:00 a.m. Consideration and approval of Determinations of Default.

- 1. Antonio E. Muniz, M.D., SOAH #503-15-5320 M.D.** Heather Pierce, J.D. staff attorney was present. Dr. Muniz was not present and no one appeared representing Dr. Muniz. **Mr. Webb moved, Mr. Gallardo seconded, and the motion passed to approve the Determination of Default Order for revocation of Antonio E. Muniz, M.D., licensure.**

2. **Richard P. Williams, M.D., SOAH #503-15-5613 M.D.** Heather Pierce, J.D. staff attorney was present. Dr. Williams was not present and no one appeared representing Dr. Williams. **Ms. Attebury moved, Mr. Gallardo seconded, and the motion passed to approve the Determination of Default Order for revocation of Richard P. Williams, M.D., licensure.**
3. **Theodore T. Otey, M.D., SOAH #503-15-2273 M.D.** Ann Skowronski, J.D. staff attorney was present. Dr. Otey was not present and no one appeared representing Dr. Otey. **Mr. Gallardo moved, Ms. Attebury seconded, and the motion passed to approve the Determination of Default Order for revocation of Theodore T. Otey, M.D., licensure.**
4. **Robert J. Koval, M.D., SOAH #503-15-2273 M.D.** Ann Skowronski, J.D. staff attorney was present. Dr. Koval was not present and no one appeared representing Dr. Koval. **Dr. McNeese moved, Ms. Attebury seconded, and the motion passed to approve the Determination of Default Order for revocation of Robert J. Koval, M.D., licensure.**

The board recessed at 9:07 a.m.

The board reconvened at 9:14 a.m.

**Agenda item #23, Consideration and approval of Proposal for Decisions
at 9:00 a.m.**

1. **Suraphandhu Srivathanakul, M.D., SOAH #503-15-0421.M.D.** Mr. Freshour gave a procedural overview. Heather Pierce, J.D., staff attorney, was present. Suraphandhu Srivathanakul, M.D., was present with attorney, Gary A. Hall, J.D. Ms. Pierce gave a presentation. Mr. Hall gave a presentation. Dr. Srivathanakul presented oral comments. Ms. Pierce gave a brief rebuttal. After discussion, **Mr. Gallardo moved, Dr. Shulkin seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Suraphandhu Srivathanakul, M.D., and to approve the Final Order filed by Board staff for revocation.**
2. **Denise Rochelle Greenwood, M.D., SOAH #503-13-5727.M.D.** Mr. Freshour gave a procedural overview. Amy Swanholt, J.D., staff attorney, was present. Denise R. Greenwood, M.D., was present with attorney Andre D'Souza, J.D. Ms. Swanholt gave a presentation. Mr. Hall gave a presentation. Ms. Swanholt gave a brief rebuttal. After discussion, **Mr. Gallardo moved, Dr. Simonson seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Denise Rochelle Greenwood, M.D., and to approve the suggested Final Order filed by Board staff for revocation.**
3. **Howard Douglas, M.D., SOAH #503-14-0021 M.D.** Mr. Freshour gave a procedural overview. Ketan Patel, J.D., staff attorney, was present. Dr. Douglas was not present and no one appeared representing Dr. Douglas. Mr. Patel gave a presentation. After

discussion, **Mr. Webb moved, Mr. Gallardo seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Howard Douglas, M.D., and to approve the suggested Final Order filed by Board staff for revocation.**

4. **Martin E. McGonagle, M.D., SOAH #503-13-0231 M.D.** Mr. Freshour gave a procedural overview. Heather Barham, J.D., staff attorney, was present. Martin E. McGonagle, M.D., was present with attorney Julian Rivera, J.D. Ms. Barham gave a presentation. Mr. Rivera gave presentation. Ms. Barham gave a brief rebuttal. After discussion, **Dr. Holliday moved, Dr. Willeford seconded, and the motion passed to go into Executive Session at 10:28 a.m. for 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 10:48 a.m. and it was announced that no action was taken. A certified agenda was made.

After consideration, **Ms. Attebury moved, Mr. Webb seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Martin E. McGonagle, M.D. and to approve the suggested Final Order filed by Board staff for with the following modifications: change from revocation to restriction; deleted paragraphs #2, #3, and the second paragraph #4; add the sanctions that the respondent complete 8 hours of CME in person within one year, chart monitoring for 12 cycles, pay a \$2,000 administrative fine, and take the JP Exam within one year, and complete the Pace course in recordkeeping.** Dr. Swann and Mr. Denton opposed the motion.

5. **William M. Gregory, M.D., SOAH #503-14-2949 M.D.** Mr. Freshour gave a procedural overview. Nikki Karr, J.D., staff attorney, was present. William M. Gregory, M.D., was present with attorney Dan Lype. Ms. Karr gave a presentation. Mr. Lype gave a presentation. Dr. Gregory presented oral comments. Ms. Karr gave a brief rebuttal. After discussion, **Dr. Simonson moved, Mr. Webb seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for William M. Gregory, M.D., and to approve the suggested Final Order filed by Board staff with the following modifications: 1.) substituted that Respondent may only prescribe controlled substances in the radiological suites for use in the radiological suites, 2.) modify paragraph #2 that Respondent shall not possess, administer or dispense any controlled substances, and 3.) modify paragraph 5 (and renumber all other paragraphs) that respondent participate with PHP for an additional two years after his current agreement ends.** Mr. Denton opposed to the motion.

Dr. Arambula appointed Dr. Willeford acting chair at 11:47 a.m.

Dr. Arambula returned to the meeting as chair at 11:50 a.m.

6. **Barry Sachs, D.O., SOAH #503-14-2557.M.D.** Mr. Freshour gave a procedural overview. Nikki Karr, J.D., staff attorney, was present. Barry Sachs, D.O., was present with attorney Tony Cobos, J.D. Ms. Karr gave a presentation. Mr. Cobos gave a presentation. Ms. Karr presented a brief rebuttal. After discussion, **Dr. Willeford moved, Mr. Gallardo seconded, and the motion passed to adopt the Findings of Fact 1-13, 20-25, 31-33; and the Conclusions of Law 1-5, as proposed by the Administrative Law Judge and direct board staff to initiate judicial review of the Finding of Facts 14-19, 26- 30 and 34-35 and Conclusion of Law 6-8.**

Agenda item #36, at 12:00 p.m. Open forum for public comments. One person signed-in to present public comments during the Open Forum. Comments were deferred to later in the meeting.

The board recessed at 12:00 p.m.

The board reconvened at 12:39 p.m.

Agenda Item #30 at 11:30 a.m. Discussion, recommendation, and possible action regarding the adoption of proposed amendments and rule review to 22 Texas Administrative Code:

1. Chapter 161. General Provisions.
Ms. Tuthill and Mr. Blech gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Mr. Gallardo moved, Dr. Simonson seconded, and motion passed to approve that the reasons for initially adopting Chapter 161. General Provisions continue to exist and that the rule be re-adopted as currently written.**
2. Chapter 163. Licensure
§163.2 – Licensure/Full Texas Medical License
§165.5 – Licensure/Licensure Documentation
Mr. Blech gave a brief summary. No written comments were received and reviewed. No one signed-in to present oral comments. **Dr. McNeese moved, Mr. Gallardo seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §163.2 Licensure/Full Texas Medical License and §165.5 Licensure/ Licensure Documentation for publication in the Texas Register.**
3. Chapter 164. Physician Advertising.
Ms. Tuthill gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Mr. Gallardo moved, Mr. Webb seconded, and motion passed to approve that the reasons for initially adopting Chapter 164. Physician Advertising continue to exist and that the rule be re-adopted as currently written**
4. Chapter 168. Criminal History Evaluation Letters.
Ms. Tuthill gave a brief summary. No written comments were received and no one

signed-in to present oral comments. **Dr. Gallardo moved, Dr. Holliday seconded, and motion passed to approve that the reasons for initially adopting Chapter 168. Criminal History Evaluation Letters continue to exist and that the rule be re-adopted as currently written.**

5. Chapter 170. Pain Management.

§170.3 – Minimum Requirements for the Treatment of Chronic Pain

Chapter 170 was deferred to later in the meeting.

6. Chapter 171. Post Graduate Training Permit.

§171.3 – Applications

Mr. Blech gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Dr. Holliday moved, Mr. Gallardo seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §171.3 Applications for publication in the Texas Register.**

7. Chapter 176. Health Care Liability Lawsuits and Settlements.

Ms. Tuthill gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Mr. Gallardo moved, Dr. Holliday seconded, and motion passed to approve that the reasons for initially adopting Chapter 176. Health Care Liability Lawsuits and Settlements continue to exist and that the rule be re-adopted as currently written.**

8. Chapter 181. Contact Lens Prescriptions.

Ms. Tuthill gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Dr. Holliday moved, Dr. McNeese seconded, and motion passed to approve that the reasons for initially adopting Chapter 181. Contact Lens Prescriptions continue to exist and that the rule be re-adopted as currently written.**

9. Chapter 184. Surgical Assistants.

§184.4 – Qualifications for Licensure

§184.5 – Procedural Rules for Licensure Applicants

§184.6 – Licensure Documentation

§184.8 – License Renewal

§184.18 – Purpose

§184.25 – Continuing Education

Ms. Tuthill gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Mr. Gallardo moved, Dr. McNeese seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §184.4 Qualifications for Licensure, §184.5 Procedural Rules for Licensure Applicants, §184.6 Licensure Documentation, §184.8 License Renewal, §184.18 Purpose, §184.25 Continuing Education for publication in the Texas Register.**

10. Chapter 187. Procedural Rules,
§187.16 – Informal Show Compliance Proceedings (ISCs)
§187.19 – Resolution by Agreed Order

Ms. Tuthill gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Mr. Gallardo moved, Dr. Holliday seconded, and the motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §187.16 Informal Show Compliance Proceedings (ISCs), §187.19 Resolution by Agreed Order for publication in the Texas Register.**

11. Chapter 190. Disciplinary Guidelines.
§190.8 – Violation Guidelines

Ms. Tuthill gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Dr. Holliday moved, Dr. McNeese seconded, and motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §190.8 – Violation Guidelines for publication in the Texas Register.**

12. Chapter 191. District Review Committees.

Ms. Robinson gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Mr. Gallardo moved, Mr. Webb seconded, and motion passed to approve that the reasons for initially adopting Chapter 191. District Review Committees continue to exist and that the rule be re-adopted as currently written.**

13. Chapter 196. Voluntary Relinquishment or Surrender of Medical License.

Mr. Blech gave a brief summary. No written comments were received and no one signed-in to present oral comments. **Dr. McNeese moved, Mr. Webb seconded, and motion passed to approve that the reasons for initially adopting Chapter 196 Voluntary Relinquishment or Surrender of Medical License continue to exist and that the rule be re-adopted as currently written.**

5. Chapter 170. Pain Management.

§170.3 – Minimum Requirements for the Treatment of Chronic Pain

Mr. Blech gave a brief summary. Written comments were received and no one signed-in to present oral comments. **Dr. McNeese moved, Mr. Webb seconded, and motion passed to adopt the proposed amendments and rule review to 22 T.A.C. §170.3 – Minimum Requirements for the Treatment of Chronic Pain for publication in the Texas Register.**

Agenda item #31, Discussion, recommendation, and possible action regarding adoption of proposed rule changes and rule review to 22 T.A.C. Chapter 183, Acupuncture. Ms. Robinson gave a brief overview of the proposed rules. No written comments were received and no one signed-in to present oral comments. After discussion Ms. Attebury moved, Mr. Webb seconded, and the motion passed to approve to adopt as approved by the Acupuncture Board 22 T.A.C. §183.2 , §183.4 , §183.5, §183.18 and §183.20 and publish in the Texas Register.

Agenda Item #33, Discussion, recommendation, and possible action regarding adoption of proposed rule changes and rule review to T.A.C. Chapter Medical Physicists §160.1-5 and 160.7-30. Mr. Blech gave brief overview of proposed rules. No written comments were received and no one signed-in to present oral comments. After discussion **Dr. Holliday moved, Ms. Attebury seconded, and the motion passed to adopt the proposed amendments as approved by the Medical Physicists Licensure Advisory Committee 22 T.A.C. §160.1-5 and 160.7-30, and publish in the Texas Register.**

Agenda Item #34, Discussion, recommendation, and possible action regarding adoption of proposed rule changes to T.A.C. Chapter 188. Perfusionists. §§188.1 - .15, §§188.17-.24, §188.26, §188.28, and §188.29. Mr. Blech gave brief overview of Medical Physicists. No written comments were received and no one signed-in to present oral comments. After discussion **Mr. Gallardo moved, Dr. McNeese seconded, and the motion passed to adopt the proposed amendments as approved by the Perfusionists Licensure Advisory Committee 22 T.A.C. §§188.1 -.15, §§188.17-.24, §188.26, §188.28, and §188.29 and publish in the Texas Register.**

Agenda Item #35, Discussion, recommendation, and possible action regarding acupuncturist performing facial rejuvenation without a physician referral. Ms. Robinson gave brief overview of the proposal for an acupuncturist to perform facial rejuvenations without a referral of a physician. The board directed staff to provide additional research and a draft proposed rule.

Agenda item #8, Discussion, recommendation, and possible action for approving proposed list of stakeholders for the Texas Board of Respiratory Care and Texas Board of Medical Radiologic Technology. After discussion, **Dr. McNeese moved, Mr. Webb seconded, and the motion passed to approve the proposed list of stakeholders for the Texas Board of Respiratory Care and Texas Board of Medical Radiologic Technology.**

Agenda item #9, Discussion, recommendation, and possible action regarding criminal history. Ms. Robinson presented information regarding deferred adjudication cases. After discussion, the board directed staff to look further into adjudicated cases with egregious offenses.

Agenda item #10, Consideration and possible action regarding pending litigation. Mr. Freshour provided the Board with an update regarding current pending litigation and open records requests involving the Board.

Agenda item #11, Consideration and approval of Non-Public Rehabilitation Modification Request/Termination Request Orders. After discussion, **Mr. Webb moved, Mr. Gallardo seconded, and the motion passed to approve Termination Granted of Rehabilitation Order #60, as presented.**

Agenda item #12, Consideration and approval of Modification Request/Termination Request Orders. After consideration, **Dr. Willeford moved, Ms. Attebury seconded, the**

motion passed to approve the Modification Request Granted Orders for Daniel S. Forrer, D.O., Jose D. Gil, M.D.; Hernan Miranda M.D., Felix N. Sabates, M.D., and Luis Tschen, M.D.; the Termination Request Orders Granted for Owen B. Ellington M.D.; Gloria Farina, M.D.; William L. Fontenot M.D.; Stephen H. Horton, M.D.; Steven R. Levy, M.D.; Todd M. McCarty, M.D.; Michael A. McFarland, M.D.; Daniel R. Naberhaus, M.D.; Mark E. Quiring, M.D.; Enrique C. Ramos, Jr., D.O.; Armand R. Rodriguez, M.D., and Anibal F. Rossel, M.D.; the Termination Request Orders Denied for John Goodman, M.D.; Judi A. Shaw-Rice, M.D., and Julia Ward, M.D.; the Termination Suspension Request Order for John O. Dimowo, M.D.; and the Termination Suspension Request Order Denied for Kathryn Judd, D.O.

Agenda item #13, Consideration and possible action for Agreed Board Orders. After discussion, Agreed Orders #38 and #61 were pulled from the Agenda. **Dr. Willeford moved, Mr. Webb seconded, and the motion passed to approve the following Agreed Board Orders en masse for Juan E. Torres Santos, M.D.; Katherine L. Blanchette, M.D.; Leandro G. Pena III, M.D.; Jeffrey J. Pirinelli, M.D.; Carl W. Gossett, M.D.; James F. McGuckin Jr., M.D.; Rodney H. Poling D.O.; Aaron T. Saunders, M.D.; Timothy W. Swain III, M.D.; Moses E. Wilcox Sr., M.D.; Robert Woody, M.D.; Irina V. Borissova, M.D.; Gregory C. Cooke, M.D.; Nicole M. Ellison, M.D.; Christopher W. Ince, M.D.; George M. Kiss, M.D.; Shelly L. Leeds-Ritcher, M.D. Lylieth P. Mitchell, M.D.; Kolawole Odulaja, M.D.; Flavia L. Thomas, M.D.; Randall W. Wade, M.D.; Pamela D. Wilson, M.D.; Joseph M. Benson, M.D.; Manon E. Childers III, M.D.; Jesus J. Diaz, M.D.; Donald W. Ferguson II, M.D.; Robert B. Freele Jr., M.D.; Leo M. Hayes, M.D.; David I. Howie, M.D.; Shahnaz A. Karim, M.D.; Carlton D. Pittard, M.D.; Laquanna Poore, RCP; Steven M. Sacks, M.D.; Gloria E. Toffolla, NCT; Michael D. Williams, M.D.; Salman Ahmad, M.D.; Rexford K. Anderson Jr., M.D.; George N. Bentley, M.D.; Peter U. Berndt M.D.; James D. Burleson, M.D.; David M. Dewitte, M.D.; Steven W. Fath, M.D.; James T. Fontenot, M.D.; Heinz Hermann, M.D.; Robert Hong, M.D.; Fred A. Hutcheson Jr., M.D.; Nathan P. Nguyen, M.D.; R. J. Philips, D.O.; Nafees F. Saifee, M.D.; Monty V. Trimble, M.D.; Gustavo E. Villarreal, M.D.; Holly J. Wyder, M.D.; Dennis D. Cantu, M.D.; Carlos D. Mego, M.D.; Pedro A. Mego, M.D.; Subbaro Yarra, M.D.; Thomas O. Gore, M.D.; Jewel A. Giacona , M.D.; Welton E. Hill, M.D.; and Jeffrey P. Mays, M.D.**

Agenda item #14 was deferred to later in the meeting.

Agenda item #15, Consideration and approval of Remedial Plans. After consideration, **Mr. Webb moved, Ms. Attebury seconded, and the motion passed to approve the Remedial Plans en mass for Rajivkumar G. Amipara, M.D.; Robin L. Armstrong, M.D.; Robert Borrego III, M.D.; John M. Brennan M.D.; Odette L. Campbell M.D.; Raul S. Cantu-Willman, M.D.; Brett B. Cauthen, M.D.; Ikedieze I. Chukwu, M.D.; Paul R. Coffeen, M.D.; Charles D. Demarque, M.D.; Jianwei Feng, M.D.; Wesley K. Herman, M.D.; Kathryn M. Hines, M.D.; Michael H. Huo, M.D.; Roy B. Kendrick, M.D.; William P. Laird, M.D.; Shane G. Lanys, M.D.; Sonjoy R. Laskar, M.D.; Julie Yu-Pu Lo, M.D.; Eric Madore, M.D.; Alfredo L. Marti, M.D.; Harley R. McDaniel, M.D.; Newton D. Moscoe, M.D.; Oechukwu Okoli, M.D.; Graham S. Palmer, M.D.; Shital Patel, M.D.; Shabnam K. Qasim, M.D.; Adnan M. Rafiq, M.D.; Carlos Reyes-Pescador, M.D.; Stephen**

S. Rodrigues, M.D.; Roberto Ruiz Jr., M.D.; Patricia D. Salvato, M.D.; Imran Shafique M.D.; Randall L. Sloan, M.D.; Hsiano Chiang Tang M.D.; Peter K. Thompson, M.D.; Fernando G. Torres, M.D.; James L. Tran, M.D.; Vidya Vaddempudi, M.D.; Kevin M. Marinus Vanden Berge, M.D.; Mark T. Warner, M.D.; Ahmer Younas, M.D.; Mark D. Young, M.D.; Gregory S. Zarcone, D.O.; Alfredo Zevallos, M.D.; Norman D. Truitt, D.O.; Emad M. Bishai, M.D.; Carlos Castaneda, M.D.; Robert L. Duhaney, M.D.; Stephen H. Hochschuler, M.D.; Leslie M. Hunter, M.D.; Nanette A. Icho, M.D.; Andy Kitlowski, M.D.; Russell W. Phillips, M.D.; Hang T. Phung, M.D.; Richard M. Roberts, M.D.; Robert S. Staton, M.D.; Dimple T. Tharian, M.D.; Todd E. Young, D.O.; Zahid N. Zafar, M.D.; Lisa M. Cohen, M.D.; Steven B. Inbody, M.D.; Karla Luna, RCP; John P. Thomas, M.D.; Estella Robinson, M.D.; Ernie Clements, RCP, and Latoia M. Marks, M.D.

Agenda Item # 14 Consideration and Approval of Mediated Settlement Agreed Orders. Order #14 was deferred to later in the meeting. After consideration, **Dr. McNeese moved, Ms. Attebury seconded, and the motion passed to approve Mediated Settlement Agreed Orders en masse for Manuel C. Pecana, M.D.; Frank C. Powell, M.D.; Wanda J. Michaels, M.D.; Clinton C. Battle, M.D.; Adolphus R. Lewis, M.D.; Daniel S. Tuft, M.D.; Barry L. Beaty D.O.; Raymond R. Bixby, M.D.; Patricia A. Braun, M.D.; John C. Krusz, M.D.; Daniele D. Thomas, M.D.; Richard W. Walker, M.D.; and Ralph H. Brookshire III, D.O.** Agenda item #14 continued later in the meeting.

Agenda item #16, Consideration and approval of Nunc Pro Tunc Orders. After consideration, **Ms. Attebury moved, Mr. Webb seconded, and the motion passed to approve the Nunc Pro Tunc Orders for Astrid Garcia M.R.T., and Amberly Morrison NCT-R.**

There were no items for Agenda items #17-20.

Agenda item #21, Consideration and approval of Cease and Desist Agreed Orders. After consideration, **Ms. Attebury moved, Mr. Webb seconded, and the motion passed to approve the Agreed Cease and Desist Order for Trevor Botts, D.C.**

Agenda item #24, Report on Temporary Suspension Hearings. A report was given on the Temporary Suspension Without Notice hearings for David I. Howie, M.D., and Vikram Durairaj, M.D.; and the Temporary Suspension With Notice Hearing for Ricky Haywood-Watson II, M.D.

Agenda item #25, Report on Cease and Desist Orders approved by Executive Director. A report was given on the Cease and Desist Orders approved by the Executive Director for Emanuel Molinar, Genene Prado, D.C., and Kenneth Ulishney.

Agenda item #26, Report on Motions for Rehearing Requests. A report was given on the Motion for Rehearing Request for Willie J. Hawkins, M.D.

Agenda item #27, Report of Suspension by Operation of Law. A report was given on the Suspension by Operations of Law for: Enyibuaku R. Uzoaga, M.D., Jocelyn M. Pyles, M.D., Sam Jahani, D.O., and Thomas M. Dixon, M.D.

Agenda item #28, Report on Automatic Orders. A report was given on the Automatic Orders for Daniel E. Rousch, D.O., and Kari Stone, RCP.

There were no items for Agenda item #29

Consent Agenda

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

1. Consideration and approval of the March 4, 2016 Board Meeting Minutes. Mr. Gallardo moved, Mr. Webb seconded, and the motion passed to approve the March 4, 2016 Board Meeting Minutes and action items.

2. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Ms. Attebury gave a report of the Finance Committee meeting. **Ms. Attebury moved, Dr. Willeford seconded, and the motion passed to approve the Finance Committee meeting minutes and action items.**

Dr. Swann gave a report of the Telemedicine Committee meeting. **Ms. Attebury moved, Mr. Webb seconded, and the motion passed to approve the Telemedicine Committee meeting minutes and action items.**

Dr. Simonson gave report of the Advertising Board Certification Ad Hoc meeting. **Mr. Gallardo moved, Ms. Attebury seconded, and the motion passed to approve the Advertising Board Certification Ad Hoc Committee meeting minutes and action items.**

Dr. Willeford Executive Committee meeting minutes and action item. **Dr. Willeford moved, Dr. McNeese seconded, and the motion passed to approve the June 9, 2016 Executive Committee Meeting Minutes.**

Dr. McNeese gave report of the DPRC meeting. **Dr. McNeese moved, Dr. Shulkin seconded, and the motion passed to approve the DPRC Committee meeting minutes and action items.**

Mr. Webb gave a report of the Licensure Committee. **Mr. Webb moved, Mr. Gallardo seconded, and the motion passed to approve the Licensure Committee meeting minutes and action items.**

Agenda item #36, Open Forum for Public Comments (continued) Ms. Banks signed-in to present public comments during the Open Forum. Board directed staff to run reports through the prescription monitoring program and review for a pattern of problems that may exist underlying this incident.

Agenda Item # 14 Consideration and Approval of Mediated Settlement Agreed Orders. (Continued) After consideration of order #14, **Dr. McNeese moved, Mr. Guerra**

seconded, and the motion passed to go into Executive Session at 2:18 p.m. for 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 2:45 p.m. and it was announced that no action was taken. A certified agenda was made. After further consideration, no action was taken for Mediated Order #14.

Agenda item #37, Adjourn. There being no further agenda items, **Dr. Willeford moved, Dr. Guerra seconded, and the motion passed to adjourn the meeting at 2:48 p.m.**