

TEXAS MEDICAL BOARD
MINUTES OF THE
DISCIPLINARY PROCESS REVIEW COMMITTEE
March 2, 2023 09:15 am

Chair, Manuel Quinones, Jr., M.D., called the meeting to order at 09:48 a.m. Other members present were Devinder S. Bhatia, M.D., James S. Distefano, D.O., Robert Gracia, LuAnn Morgan, Jason K. Tibbles, M.D., David G. Vanderweide, M.D. and Sherif Zaafran, M.D.

Staff members present were Stephen Brint Carlton, J.D., Executive Director; Robert Bredt, M.D., Medical Director; Chris Palazola, J.D., Director of Operations; and various other staff.

Agenda Item #2. Texas Physician Health Program (TXPHP).

A. Discussion, Recommendation, and Possible Action Regarding Referrals

Dr. Zaafran moved and Ms. Morgan seconded that TXPHP Case No. 20-0914-A MD and 22-0701 MD, be returned to the jurisdiction of the TMB. Motion carried.

Dr. Bhatia moved and Dr. Distefano seconded that TXPHP Case No. 17-0209-A MD, 18-0168-A PIT, 18-0354 MD, 19-1011 MD, 20-0417 PIT MD, 20-1103 MD, 21-1102 MD, 21-1203 MD, and 22-1006 MD, remain under the management of TXPHP. Motion carried.

B. Emergent Referral Report

There is none.

C. Other Discussion Items – Participant Report

Dr. Doyle presented a report providing an overview of the TXPHP's statistics and operational data. This was an information item only and no vote was necessary

Agenda Item #3. Reports and discussion regarding Investigation, Litigation and Compliance Departments.

A. Enforcement Activity Report Mr. Palazola presented the Enforcement Activity Report. This was an informational item only and no vote was necessary.

B. Warning Letters Report Mr. Palazola presented the Warning Letters Report. This was an informational item only and no vote was necessary.

C. Criminal Case Review Report Mr. Palazola presented the Criminal Case Review Report. This was an informational item only and no vote was necessary.

D. Report Regarding Cases Over One Year Mr. Palazola presented the Report Regarding Cases Over One Year. This was an informational item only and no vote was necessary.

Agenda Item #4. Consideration and approval of membership of the Expert Physician Panel.

Ms. Morgan moved and Dr. Vanderweide seconded to grant the approval of 8 appointments on the Expert Panel members list. The motion carried.

Agenda Item #5. Discussion and Possible Action Regarding Review of Probationers' Appearances

There are none.

Agenda Item #6. Discussion and Possible Action Regarding Rule Review and Proposed Changes to the Following Chapters in Title 22 of the Texas Administrative Code

There are none.

Agenda Item #7. Discussion and Possible Action Regarding Routine Follow-Up on Files Previously Referred from DPRC.

Dr. Zaafran moved and Ms. Morgan seconded that follow-up file #22-8684 be sent back to investigations and present additional questions regarding the sufficiency of the respondent's evaluation of the patient. The motion carried.

Dr. Distefano moved and Dr. Vanderweide seconded that follow-up file #23-2255 be dismissed. The motion carried.

Agenda Item #8. Cases Recommended for Dismissal.

A. Non-Standard of Care Cases

Mr. Gracia moved and Dr. Distefano seconded that files under Non-Standard of Care assigned to Mr. Gracia be dismissed as recommended. The motion carried.

Ms. Morgan moved and Mr. Gracia seconded that files under Non-Standard of Care assigned to Ms. Morgan be dismissed as recommended with the exception of 22-0745, tabling discussion on 22-0745 until executive session. The motion passed.

B. Standard of Care Cases

Dr. Quinones moved and Dr. Tibbels seconded that files assigned to Dr. Quinones be dismissed as recommended with the exception of 22-6982, tabling discussion on 22-6982 until executive session. The motion carried.

Dr. Bhatia moved and Dr. Quinones seconded that files assigned to Dr. Bhatia be dismissed as recommended with the exception of 23-0015, tabling discussion on 23-0015 until executive session. The motion carried.

Dr. Distefano moved and Dr. Bhatia seconded that files assigned to Dr. Distefano be dismissed as recommended. The motion carried.

Dr. Tibbles moved and Dr. Distefano seconded that files assigned to Dr. Tibbles be dismissed as recommended. The motion carried.

Dr. Vanderweide moved and Mr. Gracia seconded that files assigned to Dr. Vanderweide be dismissed as recommended with the exception of 22-6990, tabling discussion on 22-6990 until executive session.. The motion carried.

Dr. Zaafran moved and Dr. Tibbels seconded that files 23-3314, 23-3413, 23-3425, 23-3490, 22-2752, 22-4438, 22-4653, 22-5099, 22-5780, 22-7604, 22-7766, 22-8228, 22-8256, 22-8857, 23-0800, 23-0035, 23-0006, 23-0007, and 22-0406 assigned to Dr. Zaafran be dismissed as recommended. Discussion on remaining cases assigned to Dr. Zaafran was tabled until executive session. The motion carried.

Agenda Item #9. Discussion and Possible Action Regarding Appeals of Dismissed Complaints

A. Jurisdictional

- i. **Investigations:** 22-0399, 22-1368, 22-2302, 22-2936, 22-3912, 22-3962, 22-4461, 22-4499, 22-4502, **22-4565***, 22-5194, 22-5429, 22-5603, 22-5802, **22-6161***, **22-6332***, 22-8384

Discussion was tabled on cases 22-4565, 22-6161, and 22-6332, to be discussed during executive session.

Dr. Tibbels moved and Mr. Gracia seconded to deny the remaining appeals under Agenda Item #9(A)(i). The motion carried.

- ii. **Legal Files:** 21-6642 (22-0524), 22-0743 (22-0433)

Dr. Vanderweide moved and Dr. Bhatia seconded to deny the remaining appeals under Agenda Item #9(A)(ii). Dr. Vanderweide withdrew his motion. Dr. Bhatia withdrew his second.

Dr. Vanderweide moved and Dr. Bhatia seconded to deny the remaining appeals under Agenda Item #9(A)(ii) with the exception of 22-0743 (22-0433), tabling discussion on 22-0743 until executive session. The motion carried.

- B. **Jurisdictional Not Filed (JNF):** 22-3149, 22-7113, **22-7321***, 22-8122, 22-8125, **22-8339***, **22-8340***, 22-8508, 23-0201, 23-0202, 23-0205, 23-0409, 23-0410, 23-0423, 23-0532, 23-0739, 23-0809, 23-0964, 23-0999, 23-1056, 23-1057, 23-1122, 23-1149, 23-1240, 23-1337, 23-1405, 23-1547, 23-1712, 23-1717, 23-1827, 23-1860, 23-1952, 23-2105, 23-2182, 23-2341

Dr. Tibbels moved and Dr. Vanderweide seconded to deny appeals under Agenda Item #9(B), except for cases 22-7321, 22-8339, 22-8340, 23-0201, 23-0205, 23-0409, 23-0423, 23-0999, 23-1405, 23-1547, and 23-1712, tabling discussion until executive session. The motion carried.

C. **NJ: 23-2454**

Discussion on case 23-2454 was tabled, pending discussion in executive session.

At 10:31 am, Dr. Quinones moved and Dr. Bhatia 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 3:57 pm, and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

Ms. Barnes joined the meeting at 12:30p.

Agenda Item #8. Cases Recommended for Dismissal.

A. Non-Standard of Care Cases

Ms. Barnes moved and Dr. Distefano seconded that files under Non-Standard of Care assigned to Ms. Barnes be dismissed as recommended. The motion carried.

Ms. Morgan moved and Ms. Barnes seconded that file 22-0745 be dismissed with direction to staff to investigate other physicians involved with treating the patient.

B. Standard of Care Cases

Dr. Quinones moved and Ms. Barnes seconded that file 22-6982 be dismissed with a very strong custom letter cautioning the respondent regarding the importance of maintaining accurate and contemporaneously documented medical records. . The motion carried.

Dr. Bhatia moved and Ms. Morgan seconded that 23-0015 be returned to investigations, and that staff should review the respondent's prior hospital affiliation, peer review actions, and complaints, review for below standard of care practice patterns, and obtain updated NPDB reports. The motion carried.

Dr. Zaafran moved and Dr. Distefano seconded to dismiss file 23-3311 with a custom letter regarding diligence and handling patient matters. The motion carried.

Dr. Zaafran moved and Ms. Morgan seconded to return case 23-3331 to the Investigations Dept. and obtain a response from the respondent. The motion carried.

Dr. Zaafran moved and Ms. Barnes seconded to return case 23-3364 to the Investigations Dept., to address possible unprofessional conduct by the physician. The motion carried.

Dr. Zaafran moved and Ms. Morgan seconded to dismiss case 23-3465 with a custom letter addressing the importance of proper communication with patients. The motion passed. The motion carried.

Dr. Zaafran moved and Ms. Barnes seconded to return case 22-2524 to the Investigations Dept. and have the expert panel address questions regarding post-op delirium in this patient and whether it was appropriately managed. The motion carried.

Dr. Zaafran moved and Ms. Barnes seconded to dismiss case 22-3842 with a very strong custom letter regarding appropriate communication and empathy with the patient and patient's family. The motion carried.

Dr. Zaafran moved and Ms. Morgan seconded to return case 22-4781 to the Investigations Dept. and request that the expert panel address issues outside the standard of care regarding possible conflicts of interest involved. The motion carried.

Dr. Zaafran moved and Ms. Morgan seconded to return case 22-5496 to the Investigations Dept., and pose specific questions to the panelists to address whether the surgical procedure itself was done in a proper manner. The motion carried.

Dr. Zaafran moved and Dr. Distefano seconded to dismiss case 22-5914 with direction to staff to refer the case to the Medical Board in South Carolina. The motion carried.

Dr. Zaafran moved and Mr. Gracia seconded to dismiss case 22-6215 and refer to the Medical Board in New Mexico. The motion carried.

Dr. Zaafran moved and Ms. Morgan seconded to return case 22-6314 to the Investigations Dept., and ask the expert panel to opine on whether the reading of the CT met the standard of care, regardless of the lack of harm experienced by the patient. The motion carried.

Dr. Zaafran moved and Ms. Barnes seconded to dismiss case 22-6697 with a custom letter regarding patient communication and maintaining adequate medical records. The motion carried.

Dr. Zaafran moved and Dr. Distefano seconded to dismiss case 22-6882 and refer the relevant sections of this case to the Board of Nursing. The motion carried.

Dr. Zaafran moved and Mr. Gracia seconded to send case 22-7008 to a QA panel for review of the alleged unprofessional conduct. The motion carried.

Dr. Zaafran moved and Dr. Distefano seconded to dismiss case 22-7096 as recommended. The motion carried.

Dr. Zaafran moved and Mr. Gracia seconded to dismiss case 22-7198 with custom letter to physician regarding patient communication. The motion carried.

Dr. Zaafran moved and Ms. Barnes seconded to not dismiss 22-8504 and refer to a QA panel. The motion carried.

Dr. Vanderweide moved and Dr. Distefano seconded to dismiss case 22-6990 with a custom letter emphasizing the importance of record keeping. The motion carried.

Agenda Item #9. Discussion and Possible Action Regarding Appeals of Dismissed Complaints

A. Jurisdictional

- i. **Investigations:** 22-0399, 22-1368, 22-2302, 22-2936, 22-3912, 22-3962, 22-4461, 22-4499, 22-4502, **22-4565***, 22-5194, 22-5429, 22-5603, 22-5802, **22-6161***, **22-6332***, 22-8384

Dr. Distefano moved and Ms. Barnes seconded to grant the appeal for case number 22-4565 and send back for review all records, including billing records, due to the mechanism of injury and the discrepancy of the findings in the chart. Request the expert panel opine on whether the standard of care is violated when a physical examination is not completed, but medical records indicate that a physical exam was completed. The motion carried.

Dr. Tibbels moved and Mr. Gracia seconded to grant the appeal for case number 22-6161, send back to the expert panel, and consider any new documents provided by the patient, specifically records that the respondent may have instructed the patient to abruptly stop medication. The motion carried.

Case number 22-6332 was rescheduled for the June meeting.

- ii. **Legal Files:** 21-6642 (22-0524), 22-0743 (22-0433)

Dr. Zaafran moved and Mr. Gracia seconded to grant the appeal for case number 22-0743 (22-0433) and send to another ISC, with direction to staff that one member of the ISC be a member of DPRC.

- B. **Jurisdictional Not Filed (JNF):** 22-3149, 22-7113, **22-7321***, 22-8122, 22-8125, **22-8339***, **22-8340***, 22-8508, 23-0201, 23-0202, 23-0205, 23-0409, 23-0410, 23-0423, 23-0532, 23-0739, 23-0809, 23-0964, 23-0999, 23-1056, 23-1057, 23-1122, 23-1149, 23-1240, 23-1337, 23-1405, 23-1547, 23-1712, 23-1717, 23-1827, 23-1860, 23-1952, 23-2105, 23-2182, 23-2341

Dr. Vanderweide moved and Ms. Morgan seconded to grant the appeal for case number 22-7321 and refer to investigations. The motion carried.

Dr. Quinones moved and Ms. Barnes seconded to deny the appeal for case number 22-8339 and 22-8340. The motion carried.

Ms. Morgan moved and Ms. Barnes seconded to deny the appeal for case number 23-0205 and 23-0423. The motion carried.

Ms. Barnes moved and Dr. Bhatia seconded to deny all appeals under Agenda Item #9(B) assigned to Ms. Barnes, for cases 23-0201, 23-0409, 23-0999, and 23-1712. The motion carried.

Dr. Distefano moved and Ms. Morgan seconded to grant the appeal for 23-1405 and send back to investigations to obtain all records not previously submitted. The motion carried.

Ms. Morgan moved and Mr. Gracia seconded to deny the appeal for 23-1547. The motion carried.

C. NJ: 23-2454

Ms. Morgan moved and Dr. Distefano seconded to deny the appeal for 23-2454. The motion carried.

Agenda Item. #10. Adjourn

Dr. Distefano moved and Dr. Bhatia seconded that the meeting adjourn at 4:29 p.m.

The motion carried and the meeting adjourned at 4:29 p.m.

**Texas Medical Board
Disciplinary Process Review Committee
TXPHP - Participant Case Review
March 2, 2023**

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

INVESTIGATIONS SECTION ACTIVITY REPORT						
Second Quarter 2023						
INVESTIGATIONS SECTION	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Current Investigations	608	665	790	695	738	1192
Physician	684	684	754	556	585	913
Physician Assistant	35	35	26	42	22	32
Acupuncturist	4	4	5	2	0	3
Surgical Assistant	1	1	1	0	3	0
SB202/Other	40	40	48	98	128	244
Investigations Opened	251	595	1501	1769	1915	2127
Physician	209	514	1339	1488	1493	1656
Physician Assistant	13	35	56	76	55	83
Acupuncturist	1	2	9	4	1	5
Surgical Assistant	0	1	3	1	6	3
SB202/Other	28	43	94	133	360	380
Investigations Completed	344	743	1557	1763	2449	2226
Physician	307	661	1374	1478	1888	1698
Physician Assistant	3	20	61	77	72	83
Acupuncturist	3	5	4	3	6	9
Surgical Assistant	1	3	3	4	3	3
Unknown/Other	30	54	115	172	480	433
Jurisdictional Not Filed Complaints	760	1630	3992	3600	3636	3549
Physician	675	1447	3556	3317	3360	3231
Physician Assistant	31	73	180	170	180	161
Acupuncturist	0	0	5	4	1	5
Surgical Assistant	0	3	4	5	3	2
SB202/Other	54	107	247	107	92	150
Non-Jurisdictional Complaints	691	1396	3042	3817	3376	3123
Physician (INC)	178	409	973	1163	1083	1013
No active license	2	4	13	14	12	22
Duplicate allegations	14	24	89	159	116	88
Referred to another entity	3	15	12	255	25	14
No identifiable patient/licensee	4	10	8	57	129	132
Improperly requested medical records	18	45	137	115	120	136
Misc./Custom	131	307	715	902	681	621
INVESTIGATIONS SECTION (CON'T)	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019

Physician Assistant	4	20	44	63	62	77
No active license	0	0	0	1	1	0
Duplicate allegations	1	1	1	2	19	29
Referred to another entity	0	0	0	0	0	0
No identifiable patient/licensee	0	0	1	0	1	3
Improperly requested medical records	0	1	0	3	2	2
Misc./Custom	3	18	42	40	39	43
Acupuncturist	0	0	0	0	1	3
No active license	0	0	0	0	0	0
Duplicate allegations	0	0	0	0	0	0
Referred to another entity	0	0	0	0	0	0
No identifiable patient/licensee	0	0	0	0	0	0
Improperly requested medical records	0	0	0	0	0	0
Misc./Custom	0	0	0	0	1	3
Surgical Assistant	0	1	0	0	0	0
No active license	0	0	0	0	0	0
Duplicate allegations	0	0	0	0	0	0
Referred to another entity	0	0	0	0	0	0
No identifiable patient/licensee	0	0	0	0	0	0
Improperly requested medical records	0	0	0	0	0	0
Misc./Custom	1	1	0	0	0	0
Unknown/Other	509	963	1565	2591	2230	2030
No active license	15	30	38	100	0	6
Duplicate allegations	2	3	4	13	23	8
Referred to another entity	182	358	749	853	935	713
No identifiable patient/licensee	33	57	76	66	426	518
Improperly requested medical records	2	2	12	5	5	14
SB202/Other Custom	268	506	1028	946	841	771
Complaint Forms Sent (All)	224	450 est	803	1000 est	3001	3072
PRE-INVESTIGATIONS SECTION	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Warning Letters	26	71	70	169	80	N/A
Physician	26	69	67	161	76	N/A
Physician Assistant	0	1	3	7	1	N/A
Acupuncturist	0	0	0	0	0	N/A
Surgical Assistant	0	0	0	0	0	N/A
SB202/Other	0	1	0	1	3	N/A
Remedial Plans	0	1	8	11	0	N/A
Physician	0	1	8	11	0	N/A
Physician Assistant	0	0	0	0	0	N/A
Acupuncturist	0	0	0	0	0	N/A
Surgical Assistant	0	0	0	0	0	N/A
SB202/Other	0	0	0	0	0	N/A
Waiver Orders (out of state discipline)	4	9	20	24	0	N/A
Physician	4	8	20	24	0	N/A
Physician Assistant	0	0	0	0	0	N/A
Acupuncturist	0	0	0	0	0	N/A
Surgical Assistant	0	0	0	0	0	N/A
SB202/Other	0	1	0	0	0	N/A
Consent Orders	0	8	4	0	0	N/A
Physician	0	1	2	0	0	N/A
Physician Assistant	0	1	0	0	0	N/A
Acupuncturist	0	0	0	0	0	N/A
Surgical Assistant	0	0	0	0	0	N/A
SB202/Other	0	6	2	0	0	N/A
LITIGATION SECTION	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Current Caseload (done)	498	456	447	462	566	530
Physician	426	379	350	328	409	346
Physician Assistant	23	20	25	24	24	26
Acupuncturist	8	6	4	4	2	4
Surgical Assistant	1	1	1	1	1	0
Respiratory Care Practitioners	16	15	18	28	37	48

Med. Radiologic Technologists	20	20	27	43	59	89
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	1	0	0	0
Other	19	18	19	37	34	18
Cases Received (done)	180	329	717	687	1012	1048
Physician	150	282	578	500	671	702
Physician Assistant	6	13	27	39	32	43
Acupuncturist	4	4	5	3	4	6
Surgical Assistant	0	0	0	1	1	0
Respiratory Care Practitioners	4	6	16	29	64	100
Med. Radiologic Technologists	5	9	26	49	176	156
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	1	0	1	1
Other	11	18	44	54	63	40
I.S.C./Show Compliance Proceedings	118	226	474	578	515	728
Physician	101	196	407	471	414	519
Physician Assistant	9	13	32	31	16	32
Acupuncturist	0	2	1	8	1	2
Surgical Assistant	2	2	0	1	0	2
Respiratory Care Practitioners	1	3	13	19	38	64
Med. Radiologic Technologists	4	9	18	41	46	108
Medical Physicists	0	0	0	0	0	1
Perfusionists	1	1	0	0	0	0
Other			3	7	0	0
Temporary Suspension Hearings	5	9	26	41	51	41
Physician	5	7	18	26	38	28
Physician Assistant	0	0	1	3	3	4
Acupuncturist	0	1	0	0	0	0
Surgical Assistant	0	0	0	0	0	0
Respiratory Care Practitioners	0	0	2	5	6	3
Med. Radiologic Technologists	0	1	5	8	4	6
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	0	0	0	0
Number of Cases pending at S.O.A.H.	54	59	61	47	25	76
Physician	40	40	53	35	19	52
Physician Assistant	5	5	1	0	0	2
Acupuncturist	1	1	1	2	0	1
Surgical Assistant	0	0	0	0	0	0
Respiratory Care Practitioners	3	2	3	4	3	12
Med. Radiologic Technologists	4	3	3	6	3	9
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	0	0	0	0
LITIGATION SECTION (CON'T)	12/1 to 2/28	FY 2023	FY 2022	FY 2021*	FY 2020	FY 2019
Formal Complaints Filed at S.O.A.H.	8	10	46	69	36	82
Physician	2	3	38	45	17	47
Physician Assistant	0	1	3	0	0	3

Acupuncturist	0	0	0	2	0	1
Surgical Assistant	0	0	0	0	0	0
Respiratory Care Practitioners	2	2	3	11	7	13
Med. Radiologic Technologists	4	6	2	11	12	18
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	0	0	0	0
Default Hearings with S.O.A.H.	1	6	14	13	7	12
Physician	1	5	4	5	6	11
Physician Assistant	0	0	1	0	0	1
Acupuncturist	0	0	0	0	0	0
Surgical Assistant	0	0	0	0	0	0
Respiratory Care Practitioners	0	0	3	4	0	0
Med. Radiologic Technologists	0	0	6	7	1	0
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	0	0	0	0
S.O.A.H. Cases - Agreed Orders	3	5	6	6	34	30
Physician	3	5	6	8	29	29
Physician Assistant	0	0	0	0	1	1
Acupuncturist	0	0	0	0	0	0
Surgical Assistant	0	0	0	0	0	0
Respiratory Care Practitioners	0	0	0	1	0	0
Med. Radiologic Technologists	0	0	0	0	4	0
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	0	0	0	0
S.O.A.H. Cases - Mediated Orders	2	2	6	0	5	7
Physician	2	2	5	1	4	7
Physician Assistant	0	0	0	0	1	0
Acupuncturist	0	0	0	0	0	0
Surgical Assistant	0	0	0	0	0	0
Respiratory Care Practitioners	0	0	0	0	0	0
Med. Radiologic Technologists	0	0	1	0	0	0
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	0	0	0	0
Mediation Conferences (S.O.A.H.)	1	4	11	2	9	11
Physician	1	4	11	5	9	10
Physician Assistant	0	0	0	0	0	1
Acupuncturist	0	0	0	0	0	0
Surgical Assistant	0	0	0	0	0	0
Respiratory Care Practitioners	0	0	0	0	0	0
Med. Radiologic Technologists	0	0	0	0	0	0
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	0	0	0	0
Contested Hearings (S.O.A.H.)	3	6	6	1	37	29
Physician	3	5	5	1	11	11
Physician Assistant	0	0	1	0	0	2
Acupuncturist	1	1	0	0	1	0
Surgical Assistant	0	0	0	0	0	0
Respiratory Care Practitioners	0	0	0	0	11	5
Med. Radiologic Technologists	0	0	0	0	14	11
Medical Physicists	0	0	0	0	0	0
Perfusionists	0	0	0	0	0	0
LITIGATION SECTION (CONT)	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
% of current caseload at S.O.A.H.	10.8%	13.2%	13.5%	9.5%	4.0%	14.0%
Physician	9.4%	13.0%	16.0%	10.0%	0.0%	0.0%
Other	19.4%	15.3%	10.6%	0.0%	0.0%	0.0%
COMPLIANCE SECTION ACTIVITY REPORT						
Second Quarter 2023						
COMPLIANCE SECTION	12/1 to 1/31*	FY 2023	FY 2022	FY 2021	FY2020	FY 2019

Current Probationers	596	609	637	687	687	687
Physician	378	386	404	445	434	480
Physician Assistant	36	35	36	35	35	35
Acupuncturist	4	4	4	3	3	3
Physician in Training	1	1	1	2	3	1
Surgical Assistant	0	0	0	1	1	1
SB202/Other	177	184	192	202	211	167
Drug Screens Conducted	261	691	1637	2316	2997	3037
Physician	220	561	1201	981	2286	2158
Physician Assistant	6	18	39	47	74	121
Acupuncturist	0	0	0	0	0	0
Physician in Training	0	0	0	0	0	0
Surgical Assistant	0	0	0	0	0	0
SB202/Other	35	112	397	425	637	758
MEDICAL BOARD DECISIONS						
Second Quarter 2023						
MEDICAL BOARD DECISIONS	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Disciplinary Actions						
<u>Temporary Disciplinary Actions (done)</u>						
Suspensions	5	8	16	15	30	24
Restrictions	1	1	3	2	5	3
<u>Final Disciplinary Actions</u>						
Revocations/Surrenders	10	13	40	16	25	42
Suspensions	0	1	7	8	13	24
Public Reprimands	2	4	23	27	35	38
Administrative Penalties	4	6	27	0	2	0
Cease and Desist	4	10	41	31	22	19
Licensed with Conditions	0	1	3	5	10	5
License Denied following S.O.A.H. Hearing	0	1	0	0	0	0
Total Disciplinary Decisions	26	50	223	181	242	279
Remedial Plans	20	51	132	80	122	131
Licensure Remedial Plans/Orders	0	1	19	14	10	8
Total Penalty Value	11,000	34,000	89,251	276,500	221,296	251,000
Total Actions	46	102	373	457	374	418
<u>Compliance MR/TR Requests</u>						
Modification Requests						
Granted	0	1	11	10	13	14
Denied	0	0	1	0	1	1
Termination Requests						
Denied	4	4	9	11	6	8
Granted	2	7	31	21	24	37
<u>Legal Dismissals</u>	27	60	260	310	311	339
Agreed Orders	17	31	126	142	N/A	N/A
PHYSICIAN ASSISTANT BOARD DECISIONS						
Second Quarter 2023						
P.A. BOARD DECISIONS	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Disciplinary Actions						
Suspensions	0	1	1	2	3	3
Restrictions	0	0	0	1	0	0
<u>Final Disciplinary Actions</u>						
Revocations/Surrenders	0	0	1	4	2	5
Suspensions	0	0	0	0	1	0
Public Reprimands	0	0	1	3	2	0

Restrictions	0	1	1	6	8	10
Administrative Penalties	0	0	1	5	0	0
Cease and Desist	0	0	0	0	0	0
Licensed with Conditions	0	0	0	0	1	0
License Denied following S.O.A.H. Hearing	0	0	0	0	0	0
Total Disciplinary Decisions	0	0	5	10	17	18
Remedial Plans	0	4	6	7	10	8
Licensure Remedial Plans	0	0	1	2	0	1
Total Penalty Value	0	1,500	2,000	14,500	8,500	3,500
Total Actions	0	5	12	34	27	27
<u>Compliance MR/TR Requests</u>						
Modification Requests	0	2				
Granted	0	2	1	3	2	3
Denied	0	0	0	0	0	0
Termination Requests	0	1				
Granted	0	1	1	3	3	1
Denied	0	0	2	0	0	1
Legal Dismissals	0	1	22	9	10	12
Agreed Orders	0	1	3	N/A	N/A	N/A
ACUPUNCTURE BOARD DECISIONS						
Second Quarter 2023						
ACUPUNCTURE BOARD DECISIONS	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Disciplinary Actions						
<u>Temporary Disciplinary Actions</u>						
Suspensions	0	0	0	0	0	0
Restrictions	0	0	0	0	0	0
<u>Final Disciplinary Actions</u>						
Revocations/Surrenders	0	0	0	0	2	1
Suspensions	0	0	0	0	0	0
Public Reprimands	0	0	1	0	0	0
Restrictions	0	0	1	0	0	0
Administrative Penalties	0	0	0	0	0	0
Cease and Desist	0	0	0	0	0	0
Licensed with Conditions	0	0	0	0	0	0
License Denied following S.O.A.H. Hearing	0	0	0	0	0	0
Total Disciplinary Decisions	0	0	2	0	2	1
Remedial Plans	0	0	2	0	0	0
Licensure Remedial Plans	0	0	0	0	0	0
Total Penalty Value	0	0	0	0	0	0
Total Actions	0	0	4	0	2	1
<u>Compliance MR/TR Requests</u>						
Modification Requests						
Granted	0	0	0	0	0	0
Denied	0	0	0	0	0	0
Termination Requests						
Granted	0	0	0	1	1	0
Denied	0	0	0	0	0	0
<u>Dismissals</u>	0	0	2	1	2	2
Agreed Orders	0		1	N/A	N/A	N/A
SURGICAL ASSISTANT DECISIONS						
Second Quarter 2023						
SURGICAL ASSISTANT DECISIONS	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Disciplinary Actions						6

<u>Temporary Disciplinary Actions</u>						
Suspensions	0	0	0	0	0	0
Restrictions	0	0	0	0	0	0
<u>Final Disciplinary Actions</u>						
Revocations/Surrenders	0	0	0	0	0	0
Suspensions	0	0	0	0	0	0
Public Reprimands	0	0	0	0	0	0
Restrictions	0	0	0	0	0	0
Administrative Penalties	0	0	0	0	0	0
Cease and Desist	0	0	0	0	0	0
Licensed with Conditions	0	0	0	0	1	0
License Denied following S.O.A.H. Hearing	0	0	0	0	0	0
<u>Total Disciplinary Decisions</u>	0	0	0	0	1	0
Remedial Plans	0	0	0	0	0	0
Licensure Remedial Plans	0	0	0	0	0	0
Total Penalty Value	0		0	0	500	0
<u>Total Actions</u>	0	0	0	0	1	0
<u>Compliance MR/TR Requests</u>						
Modification Requests						
Granted	0	0	0	0	0	0
Denied	0	0	0	0	0	0
Termination Requests						
Granted	0	0	0	0	0	0
Denied	0	0	0	0	0	0
<u>Dismissals</u>	0	0	0	0	0	0
RESPIRATORY CARE BOARD DECISIONS						
Second Quarter 2023						
RESP. CARE BOARD DECISIONS	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
<u>Disciplinary Actions</u>						
<u>Temporary Disciplinary Actions</u>						
Suspensions	0	0	2	5	4	3
Restrictions	0	0	0	0	0	0
<u>Final Disciplinary Actions</u>						
Revocations/Surrenders	2	4	4	3	11	14
Suspensions	0	0	0	0	0	1
Public Reprimands	0	0	5	0	0	2
Administrative Penalties	0	0	0	2	0	0
Cease and Desist	0	0	0	0	0	0
Agreed Resolutions	0	0	0	2	22	15
Licensed with Conditions	0	0	1	1	1	3
License Denied following S.O.A.H. Hearing	0	0	0	0	0	0
<u>Total Disciplinary Decisions</u>	5	8	14	7	43	51
Remedial Plans	0	0	0	1	3	0
Licensure Remedial Plans/Orders	0	0	1	0	0	3
Total Penalty Value	0	0	0	0	1,500	2,000
<u>Total Actions</u>	5	3	15	8	46	54
<u>Compliance MR/TR Requests</u>						
Modification Requests						
Granted	0	0	1	2	1	0
Denied	0	0	0	0	0	0
Termination Requests						
Granted	0	1	0	0	1	0
Denied	0	0	0	1	0	0
Legal <u>Dismissals</u>	1	4	13	16	30	59
Agreed Orders	5	6	10	n/a	n/a	n/a

MED. RADIOLOGIC TECH. BOARD DECISIONS						
Second Quarter 2023						
MED. RAD. TECH. BOARD DECISIONS	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Disciplinary Actions						
<u>Temporary Disciplinary Actions</u>						
Suspensions	1	2	7	8	2	6
Restrictions	0	0	0	0	0	0
<u>Final Disciplinary Actions</u>						
Revocations/Surrenders	2	4	7	5	34	25
Suspensions	0	0	1	0	1	1
Public Reprimands	0	0	0	0	4	9
Administrative Penalties	0	0	1	0	0	0
Cease and Desist	0	0	0	0	0	0
Licensed with Conditions	0	0	0	0	7	15
License Denied following S.O.A.H. Hearing	0	0	0	0	0	0
Agreed Resolutions	0	0	0	2	69	24
Consent Orders	0	0	1	0	0	1
<u>Total Disciplinary Decisions</u>	3	7	20	9	130	100
Remedial Plans	0	0	3	1	2	4
Licensure Remedial Plans/Orders	4	4	2	2	2	13
Total Penalty Value	0	0	1,500	500	3,000	10,000
<u>Total Actions</u>	7	11	25	21	134	117
<u>Compliance MR/TR Requests</u>						
Modification Requests						
Granted	0	0	0	0	2	6
Denied	0	0	0	0	0	0
Termination Requests						
Granted	0	1	2	5	3	0
Denied	0	0	0	2	0	0
Legal Dismissals	2	5	26	41	81	76
Agreed Orders	5	7	12	n/a	n/a	n/a
MEDICAL PHYSICISTS DECISIONS						
Second Quarter 2023						
MEDICAL PHYSICISTS DECISIONS	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Disciplinary Actions						
<u>Temporary Disciplinary Actions</u>						
Suspensions	0	0	0	0	0	0
Restrictions	0	0	0	0	0	0
<u>Final Disciplinary Actions</u>						
Revocations/Surrenders	0	0	0	0	0	0
Suspensions	0	0	0	0	0	0
Public Reprimands	0	0	0	0	0	0
Restrictions	0	0	0	0	0	0
Administrative Penalties	0	0	0	0	0	0
Cease and Desist	0	0	0	0	0	0
Licensed with Conditions	0	0	0	0	0	0
License Denied following S.O.A.H. Hearing	0	0	0	0	0	0
<u>Total Disciplinary Decisions</u>	0	0	0	0	0	0
Remedial Plans	0	0	0	0	0	0
Licensure Remedial Plans	0	0	0	0	0	0
Total Penalty Value	0	0	0	0	0	0
<u>Total Actions</u>	0	0	0	0	0	0
<u>Compliance MR/TR Requests</u>						
Modification Requests						

Granted	0	0	0	0	0	0
Denied	0	0	0	0	0	0
Termination Requests						
Granted	0	0	0	0	0	0
Denied	0	0	0	0	0	0
<u>Dismissals</u>	0	0	0	0	0	0
PERFUSIONISTS DECISIONS						
Second Quarter 2023						
PERFUSIONISTS DECISIONS	12/1 to 2/28	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
Disciplinary Actions						
<u>Temporary Disciplinary Actions</u>						
Suspensions	0	0	0	0	0	0
Restrictions	0	0	0	0	0	0
<u>Final Disciplinary Actions</u>						
Revocations/Surrenders	0	0	0	0	0	0
Suspensions	0	0	0	0	0	0
Public Reprimands	0	0	0	0	0	0
Restrictions	0	0	0	0	0	0
Administrative Penalties	0	0	0	0	0	0
Cease and Desist	0	0	0	0	0	0
Licensed with Conditions	0	0	0	0	0	0
License Denied following S.O.A.H. Hearing	0	0	0	0	0	0
<u>Total Disciplinary Decisions</u>	0	0	0	0	0	0
Remedial Plans	0	0	0	0	0	0
Licensure Remedial Plans	0	0	0	0	0	0
Total Penalty Value	0	0	0	0	0	0
<u>Total Actions</u>	0	0	0	0	0	0
<u>Compliance MR/TR Requests</u>						
Modification Requests						
Granted	0	0	0	0	0	0
Denied	0	0	0	0	0	0
Termination Requests						
Granted	0	0	0	0	0	0
Denied	0	0	0	0	0	0
<u>Dismissals</u>	0	0	0	0	0	1

Expert Panel Members for Board Approval March 2023

LAST	FIRST	LIC #	CITY	SPECIALTY
1 Chang	Terence	M7098	Houston	Family Medicine/Sports Medicine
2 Elshatory	Yaser	S5607	Plano	Ophthalmology/Vitreous Surgery
3 Makkouk	Fuad	S0733	Austin	Ophthalmology/Vitreous Surgery
4 Morgan	Glenn	J0606	Houston	OB/GYN
5 Pfeiffer	Leslie	S1490	Dallas	Ophthalmology
6 Shah	Neel	R2969	San Antonio	Internal Medicine
7 Shemesh	Adi	S2895	Bryan CS	Internal Medicine
8 Verchere	Sherien	K2414	Houston	Anesthesiology

Interim Approval

Legal Number	Document Type	Rejected by Board
21-0479	Dismissal – Attny	No
22-0067	Dismissal – Attny	No
22-0392	Dismissal – Attny	No
22-0493	Dismissal – Attny	No
22-0728	Dismissal – Attny	No
22-0753	Dismissal – Attny	No
23-0023	Dismissal – Attny	No
23-0070	Dismissal – Attny	No
23-0079	Dismissal – Attny	No
23-0084	Dismissal – Attny	No
23-0143	Dismissal – Attny	No
23-0276	Dismissal – Attny	No
23-0287	Dismissal – Attny	No
23-0288	Dismissal – Attny	No
22-0270	Dismissal - ISC	No
22-0406	Dismissal - ISC	No
22-0450	Dismissal - ISC	No
22-0546	Dismissal - ISC	No
22-0706	Dismissal - ISC	No
22-0715	Dismissal - ISC	No
22-0721	Dismissal - ISC	No
22-0745	Dismissal - ISC	No
22-0750	Dismissal - ISC	No
22-0751	Dismissal - ISC	No
23-0003	Dismissal - ISC	No
23-0005	Dismissal - ISC	No
23-0006	Dismissal - ISC	No
23-0007	Dismissal - ISC	No
23-0015	Dismissal - ISC	Yes
23-0016	Dismissal - ISC	No
23-0020	Dismissal - ISC	No
23-0028	Dismissal - ISC	No
23-0033	Dismissal - ISC	No
23-0035	Dismissal - ISC	No
23-0037	Dismissal - ISC	No
23-0040	Dismissal - ISC	No
23-0045	Dismissal - ISC	No
23-0053	Dismissal - ISC	No
23-0059	Dismissal - ISC	No
23-0063	Dismissal - ISC	No
23-0082	Dismissal - ISC	No
23-0091	Dismissal - ISC	No
23-0094	Dismissal - ISC	No
23-0121	Dismissal - ISC	No
23-0124	Dismissal - ISC	No
23-0136	Dismissal - ISC	No

23-0153	Dismissal - ISC	No
22-0521	Dismissal - PHP	No
22-0604	Dismissal - PHP	No
22-0696	Dismissal - PHP	No
22-0711	Dismissal - PHP	No

DPRC March 2, 2023

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

Total :186

Log Number	Column 1	Close	Continue	ISC	Hold	Assigned To:
202986		x				
214082		x				
217299		x				
218336		x				
220106		x				
220642		x				
221045		x				
221416		x				
221860		x				
222106		x				
222465		x				
222524			x			
222560		x				
222671		x				
222746		x				
222752		x				
222889		x				
222939		x				
222957		x				
223070		x				
223379		x				
223424		x				
223700		x				
223781		x				
223842		x				
223870		x				
223909		x				
223959		x				
224076		x				
224227		x				
224438		x				
224447		x				
224524		x				
224538		x				
224557		x				
224562		x				
224653		x				
224727		x				
224753		x				
224758		x				
224781			x			
224783		x				
224892		x				
224926		x				
224927		x				
225063		x				
225077		x				
225099		x				
225123		x				
225185		x				
225275		x				
225486		x				
225496			x			
225512		x				
225518		x				
225559		x				
225631		x				
225657		x				
225684		x				
225750		x				
225780		x				
225787		x				
225794		x				
225879		x				
225880		x				
225928		x				
225989		x				
226042		x				
226209		x				
226215		x				

226216		x				
226237		x				
226240		x				
226276		x				
226286		x				
226291		x				
226314			x			
226422		x				
226424		x				
226430		x				
226441		x				
226467		x				
226468		x				
226611		x				
226612		x				
226697		x				
226708		x				
226711		x				
226713		x				
226749		x				
226810		x				
226814		x				
226882		x				
226887		x				
226891		x				
226893		x				
226981		x				
226982		x				
226985		x				
226987		x				
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226998		x				
227008			x			
227010		x				
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227132		x				
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227391		x				
227454		x				
227456		x				
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227659		x				
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228053		x				
228167		x				
228175		x				
228228		x				
228231		x				
228233		x				
228239		x				
228256		x				
228286		x				
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228376		x				
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228493		x				
228504			x			
228505		x				
228529		x				
228570		x				
228643		x				
228684			x			
228715		x				
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228792		x				
228807		x				
228851		x				
228857		x				
230054		x				
230128		x				
230187		x				
230430		x				
230518		x				
230574		x				
230575		x				
230800		x				
230821		x				
230822		x				
230870		x				
231044		x				
231045		x				
231052		x				
231068		x				
231179		x				
231404		x				
231520		x				
231555		x				
231772		x				
232033		x				
232255		x				