

TEXAS MEDICAL BOARD
MINUTES OF THE
DISCIPLINARY PROCESS REVIEW COMMITTEE
February 28, 2019

Chair Margaret C. McNeese, M.D., called the meeting to order at 10:12 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 and various other staff.

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

Dr. Holliday moved and Ms. Barnes seconded that TXPHP Case #1 be referred back to the TMB for emergent referral. Motion carried.

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

This was an informational item only and no vote was necessary.

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

It was announced by Mr. Carlton that there were no impaired renewals to be presented to the DPRC under Agenda Item #4.

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

Mr. Carlton presented the Enforcement Activity Report for FY 2019 – 3rd Meeting, a copy of which is attached. This was an informational item only and no vote was necessary.

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:³

Chapter 193.17 Nonsurgical Medical Cosmetic Procedures.

Mr. Carlton discussed ongoing staff review of Rule 193.17, based in part upon recent law enforcement investigations indicating a possible new pattern of medical spas employing unlicensed staff to perform procedures without adequate physician supervision. Proposed amendments will be presented to stakeholders, with a draft presented to the Board at the June 2019 meeting. No vote was taken or necessary as this was an informational item only.

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

It was announced by Mr. Carlton that there were no probationer's appearances for DPRC under Agenda Item #7.

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

Dr. Varma moved and Dr. Holliday seconded to approve all the appointments of Expert Panel members, as noted in the attachment. 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.

At 10:44 a.m., Dr. Varma 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 3:19 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. 17-7842, 18-3764, **18-3957**, 18-3982, 18-4364, 18-4901, 18-5017, **18-5315, 18-5496, 18-5920**, 18-6343, 18-6463 Investigations: ii. Legal Files: 18-0899 (18-2864), B. Jurisdictional-Not-Filed Complaints: 14-2452, 17-3789, 17-5884, 17-7575, **17-8063**, 18-0500, 18-6379, 18-6719, 18-6813, 18-8220, 18-8985, 18-9167, 18-9325, 19-0151, **19-0425**, 19-0426, 19-0739, 19-0857, 19-0874, 19-0924, 19-0950, 19-0957, 19-0980, 19-1011, 19-1028, 19-1032, 19-1383, 19-1593, 19-1638, 19-1701, 19-1728, 19-1796, 19-1947, 19-1949, 19-1971, 19-2170, 19-2299, 19-2763 C. Non-Jurisdictional Complaint: 14-0864, 14-1487, 19-1397

Dr. Vanderweide moved and Holliday seconded that the appeal of Item 10.A.i. Log #18-3957 be denied. Motion carried.

Dr. Holliday moved and Ms. Barnes seconded that the appeal of Item 10.A.i. Log #18-5315 be granted. Motion carried.

Dr. Holliday moved and Ms. Barnes seconded that the appeal of Item 10.A.i. Log #18-5496 be denied with custom letter to the complainant. Motion carried.

Dr. Quinones moved and Dr. Varma seconded that the appeal of Item 10.A.i. Log #18-5920 be granted. Motion carried.

Dr. Varma moved and Dr. Holliday 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.B. Log #17-8063 be denied with a custom letter to the respondent. Motion carried.

Ms. Morgan moved and Dr. Holliday seconded that the appeal of Item 10.B. Log #19-0425 be denied with a custom letter to the complainant regarding current statute. Motion carried.

Dr. Varma moved and Dr. Holliday seconded that the appeal of Item 10.B. Log #18-6379 be granted. Motion carried.

Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item 10.B. Log #19-0426 be granted. Motion carried.

Dr. Holliday moved and Dr. Varma seconded that the appeal of Item 10.B. Log #19-0874 be granted. Motion carried.

Dr. McNeese moved and Dr. Varma seconded that the appeal of Item 10.B. Log #19-1947 be granted. Motion carried.

Dr. Quinones moved and Dr. Varma seconded that the appeal of Item 10.B. Log #19-1796 be granted. Motion carried.

Dr. Quinones moved and Dr. Varma seconded that the appeal of Item 10.B. Log #19-2763 be granted. 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. Varma moved and Ms. Barnes seconded that all appeals under Agenda Item 10.C 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:

- 18-3290 Appeal
- 18-3291 Appeal
- 18-7017
- 18-7437 Appeal
- 18-7439 Appeal
- 18-9328 Appeal
- 18-9332 Appeal

Dr. Holliday moved and Ms. Barnes seconded that follow-up file #18-3290 be dismissed. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that follow-up file #18-3291 be dismissed. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that follow-up file #18-7017 be dismissed. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that follow-up file #18-7437 be dismissed. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that follow-up file #18-7439 be dismissed. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that follow-up file #18-9328 be dismissed. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that follow-up file #18-9332 be dismissed. Motion carried.

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

Dr. Varma 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. Varma 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. Varma moved and Ms. Barnes seconded that SOAH Legal #18-0075 case be approved for dismissal. Motion carried.

Ms. Barnes moved and Ms. Morgan seconded that SOAH Legal #16-0002 case be approved for dismissal. Motion carried.

Ms. Barnes moved and Ms. Morgan seconded that SOAH Legal #16-0904 case be approved for dismissal. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that SOAH Legal #18-0485 case be approved for dismissal. Motion carried.

Ms. Barnes moved and Dr. Varma seconded that SOAH Legal #17-0905 case be approved for dismissal. Motion carried.

Ms. Barnes moved and Ms. Morgan seconded that SOAH Legal #16-0255 case be approved for dismissal. Motion carried.

Ms. Barnes moved and Ms. Morgan 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.

Dr. Quinones moved and Ms. Morgan 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.

Agenda Item #13 Adjourn.

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

Motion carried at 3:55 p.m.

TEXAS MEDICAL BOARD
Disciplinary Process Review Committee
TXPHP - Participant Case Review
February 28, 2019

Case #	Remain with PHP	TMB Accepted	Continue
1		X	

Expert Panel Members for Board Approval March 2019

LAST	FIRST	LIC #	CITY	SPECIALTY
Black	Leslie	H2250	Bryan	Family Practice
Ciaglia	Mark	N6839	The Woodlands	Hand Surgery
Doll	Renee	Q9335	Austin	Anesthesiology/Pain Management
Hack	Glendon	K7753	Lytle	Family Practice
Hood	Robert	H3074	Beaumont	Endocrinology
Karim	M Asad	J9121	McKinney	Interventional Cardiology
Khalil	Kamal	E4873	Houston	Thoracic & Vascular Surgery
Khan	Adnan	M9404	Austin	Anesthesiology/Pain Management
Khan	Samira	R6215	Richmond	Internal Medicine
Kim	Dong	K6051	Houston	Neuro Surgery
Kolpakchi	Anna	H1004	Houston	Internal Medicine
Lindzey	David	G8245	Spicewood	Internal Medicine
Locke	Jacob	N3843	Houston	Radiation Oncology
Njuki	Frederick	L7503	The Woodlands	Internal Medicine
Ozarkar	Tejas	R6648	Plano	Physical Medicine & Rehabilitation
Peck	Devin	Q2046	Austin	Anesthesiology - Pain Management
Pham	Nhi	M8250	San Antonio	Internal Medicine
Rezaie	Morvarid	M8951	Fort Worth	Internal Medicine
Romman	Adam	R5032	Galveston	Anesthesiology - Pain Management
Sacky	Damian	P9948	Austin	Pain Medicine
Sardini	Mustafa	N1127	Plano	Internal Medicine
Schwartz	Natalio	Q3092	Houston	Anesthesiology - Pain Management
Simon	Fay	M2109	Garland	Internal Medicine
Sloan	Thomas	G0130	The Woodlands	Internal Medicine
Wan	Christine	K7933	Houston	Family Practice
Weinberg	Steven	D7708	Colleyville	General Surgery

DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED

ISC PANEL RECOMMENDATIONS – Texas Medical Board February 28, 2019

ISC Dismissal's

CASE #	CLOSE	CONT.	TO ISC
18-0974	X		
18-0989	X		
19-0121	X		
19-0054	X		
18-0820		X	
19-0220	X		
19-0013	X		
19-0090	X		
19-0186	X		
18-0938	X		
18-0891	X		
19-0036	X		
19-0155	X		
19-0163	X		
18-0962	X		
18-0953	X		
19-0080	X		
18-0961	X		
19-0053	X		
18-0772	X		
19-0143	X		
19-0100	X		
18-0926	X		
18-0803	X		
18-0900	X		
18-0956	X		
18-0988	X		
18-0955	X		
19-0160	X		
19-0191	X		
18-0986	X		
18-0929	X		
19-0008	X		
19-0028	X		

19-0087	X		
18-0991		X	
18-0971	X		
18-0775	X		
19-0119	X		
19-0161	X		
19-0141	X		
19-0004		X	
18-0910	X		
19-0138	X		
18-0959	X		
19-0159	X		
18-0409	X		
19-0185	X		
18-0990	X		
19-0207	X		
18-0798	X		
19-0006		X	

Total = 52

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE #	CLOSE	CONT.	TO ISC
19-0395	X		
19-0257	X		
19-0333	X		
19-0309	X		
19-0157	X		
18-0883	X		
19-0112	X		
19-0352	X		
19-0231	X		
19-0388	X		
18-0914	X		
19-0164	X		
19-0196	X		
19-0183	X		
19-0133	X		

Total = 15

SOAH Case Dismissals (To be reviewed by full committee)

CASE #	CLOSE	CONT.	TO ISC
18-0752	X		
16-0002	X		
16-0904	X		
18-0485	X		
17-0905	X		
16-0255	X		

Total = 6

TXPHP Dismissals

CASE #	CLOSE	CONT.	TO ISC
19-0120	X		
19-0005		X	
18-0654	X		
19-0193	X		
19-0178	X		

Total = 5

FEBRUARY 2019 DPRC

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

Total : 206

log Number	Allegation	Close	Continue	ISC	Held	Name
155160	205.303(D)(1)	X				
172126	164.052(A)(5)	X				
177840	164.051(A)(7)	X				
178092	164.052(A)(5)	X				
180255	164.052(A)(5)	X				
180927	164.051(A)(6)	X				
181102	164.052(A)(5)	X				
181209	164.051(A)(6)	X				
181353	164.052(A)(5)	X				
182133	164.051(A)(6)	X				
182226	164.052(A)(5)	X				
182462	164.052(A)(5)	X				
182796	164.051(A)(6)	X				
182865	164.051(A)(6)	X				
183088	164.051(A)(6)	X				
183290	164.051(A)(6)	X				
183291	164.051(A)(6)	X				
183603	164.052(A)(5)	X				
183628	164.051(A)(6)	X				
183699	164.051(A)(6)	X				
184084	164.051(A)(6)	X				
184362	151.002(A)(13)	X				
184499	164.052(A)(5)	X				
184550	164.051(A)(6)	X				
184673	164.052(A)(5)	X				
184859	164.051(A)(6)	X				
184888	164.051(A)(6)	X				
184910	164.051(A)(6)	X				
185051	164.051(A)(8)	X				
185127	164.051(A)(6)	X				
185145	164.052(A)(5)	X				
185181	164.051(A)(6)	X				
185189	164.051(A)(8)	X				
185202	164.051(A)(8)	X				
185204	164.051(A)(8)	X				
185620	164.051(A)(6)	X				
185624	151.002(A)(13)	X				
185719	164.051(A)(6)	X				
185740	164.051(A)(6)	X				
185757	151.002(A)(13)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
185853	164.051(A)(7)	X				
185894	164.051(A)(6)	X				
185916	164.051(A)(6)	X				
185962	164.051(A)(6)	X				
185982		X				
185987	164.051(A)(6)	X				
186090	164.051(A)(6)	X				
186171	164.051(A)(6)	X				
186204	164.051(A)(6)	X				
186224	164.052(A)(5)	X				
186225	105.002(B)	X				
186234	164.051(A)(6)	X				
186253	164.053(A)(6)	X				
186254	101.201	X				
186276	164.051(A)(6)	X				
186310	164.051(A)(6)			X		
186358	164.051(A)(6)	X				
186369	164.053(A)(8)	X				
186382	603.401	X				
186401	164.051(A)(6)	X				
186419	164.051(A)(6)	X				
186477	164.051(A)(7)	X				
186536	164.053(A)(6)	X				
186598	164.051(A)(6)	X				
186692	164.051(A)(6)	X				
186699	151.002(A)(13)	X				
186792	105.002(B)	X				
186794	105.002(B)			X		
186835	164.051(A)(6)	X				
186837	164.051(A)(6)	X				
186881	164.052(A)(5)	X				
186903	164.051(A)(6)	X				
186925	164.051(A)(6)	X				
187015	164.051(A)(6)	X				
187017	164.053(A)(6)	X				
187069	164.052(A)(5)	X				
187080	164.051(A)(6)	X				
187112	151.002(A)(13)	X				
187113	151.002(A)(13)	X				
187177	164.051(A)(6)	X				
187227	164.052(A)(5)	X				
187228	164.052(A)(5)	X				
187240	164.051(A)(6)	X				
187251	164.051(A)(6)	X				
187255	164.052(A)(5)	X				
187261	164.051(A)(6)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
187357	164.051(A)(6)	X				
187367	164.051(A)(6)	X				
187369	151.002(A)(13)	X				
187383	164.052(A)(5)	X				
187389	164.052(A)(5)	X				
187391	164.051(A)(6)	X				
187398	164.051(A)(6)	X				
187401	164.051(A)(6)	X				
187413	164.052(A)(5)	X				
187419	105.002(B)	X				
187437	164.051(A)(6)	X				
187438	164.051(A)(6)	X				
187439	105.002(B)	X				
187461	164.051(A)(6)	X				
187520	164.051(A)(6)	X				
187569	164.051(A)(6)	X				
187607	164.051(A)(6)	X				
187651	151.002(A)(13)	X				
187652	151.002(A)(13)	X				
187653	151.002(A)(13)	X				
187654	151.002(A)(13)	X				
187655	151.002(A)(13)	X				
187668	164.051(A)(6)	X				
187678	164.053(A)(5)	X				
187694	164.053(A)(3)	X				
187711	164.051(A)(6)	X				
187734	164.053(A)(1)	X				
187744	164.051(A)(6)	X				
187814	164.051(A)(6)	X				
187824	164.052(A)(5)	X				
187844	164.051(A)(6)	X				
187853	164.051(A)(6)	X				
187884	164.052(A)(5)	X				
187899	164.052(A)(5)			X		
187923	164.051(A)(6)	X				
187962	164.051(A)(6)	X				
187965	164.052(A)(5)	X				
187966	164.051(A)(6)	X				
187974	164.051(A)(6)	X				
188079	164.051(A)(6)	X				
188166	164.051(A)(6)	X				
188193	164.051(A)(6)	X				
188212	164.052(A)(5)	X				
188217	164.051(A)(6)	X				
188223	164.051(A)(6)	X				
188229	164.051(A)(6)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
188262	105.002(B)	X				
188267	164.051(A)(6)	X				
188271	164.051(A)(6)	X				
188296	164.051(A)(6)	X				
188308	164.051(A)(6)	X				
188343	164.051(A)(6)	X				
188349	101.201	X				
188356	164.051(A)(6)			X		
188422	164.053(A)(6)	X				
188474	164.053(A)(6)	X				
188500	164.051(A)(6)	X				
188501	164.053(A)(6)	X				
188612	164.051(A)(6)	X				
188640	164.051(A)(6)	X				
188642	164.051(A)(6)	X				
188673	164.051(A)(6)			X		
188677	164.051(A)(6)	X				
188693	164.051(A)(6)	X				
188701	164.051(A)(6)	X				
188714	164.051(A)(6)	X				
188715	164.051(A)(6)	X				
188732	164.051(A)(9)	X				
188745	164.051(A)(6)	X				
188748	164.053(A)(8)	X				
188876	151.002(A)(13)	X				
188903	164.051(A)(6)	X				
188966	159.002	X				
188993	164.051(A)(7)	X				
189086	164.051(A)(6)	X				
189090	164.051(A)(6)	X				
189097	164.052(A)(5)	X				
189105	164.051(A)(7)	X				
189108	164.051(A)(6)	X				
189169	164.051(A)(6)	X				
189253	164.051(A)(6)	X				
189256	159.006	X				
189269	164.051(A)(6)	X				
189272	164.051(A)(6)	X				
189279	164.051(A)(6)	X				
189311	164.051(A)(4)(D)	X				
189328	164.051(A)(6)	X				
189332	164.051(A)(6)	X				
190005	164.052(A)(5)	X				
190060	164.051(A)(6)	X				
190096	164.052(A)(5)	X				
190099	164.051(A)(6)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
190193	164.051(A)(6)	X				
190195	603.401	X				
190211	164.053(A)(6)	X				
190212	164.051(A)(6)	X				
190277	164.051(A)(6)	X				
190286	164.052(A)(5)	X				
190287	164.052(A)(5)	X				
190289	164.051(A)(6)	X				
190352	164.051(A)(6)	X				
190396	56.003	X				
190424	164.051(A)(6)	X				
190525	164.052(A)(5)	X				
190541	164.052(A)(5)	X				
190573	164.052(A)(5)	X				
190720	151.002(A)(13)	X				
190721	151.002(A)(13)	X				
190787	105.002(B)	X				
190858	164.051(A)(9)	X				
190925	151.002(A)(13)	X				
191191	105.002(B)	X				
191320	164.052(A)(17)	X				
191459	159.006	X				
191574	164.051(A)(4)(C)	X				
191614	159.002	X				
191649	151.002(A)(13)	X				
191871	164.051(A)(3)	X				
192079	164.051(A)(4)(C)	X				
192243	151.002(A)(13)	X				