



Texas Medical Board

BOARD MEETING

August 19, 2022

The meeting was called to order on Friday August 19, 2022 at 8:01 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Kandace Farmer, D.O., Vice President; Michael E. Cokinos, Secretary/Treasurer; Sharon Barnes; Devinder S. Bhatia, M.D.; George L. DeLoach, D.O.; James Distefano, D.O.; Tomeka Herod; Robert Martinez, M.D.; LuAnn R. Morgan; Jayaram B. Naidu, M.D.; Satish Nayak, M.D.; Manuel Quinones, Jr., M.D.; Jason Tibbels, M.D.; and David Vanderweide, M.D. Board members not present were: Arun Agarwal; Robert Gracia; and Ebony V. Todd, J.D. Staff members present were: Brint Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Brecht, 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.

Resolution – Ada Booth, M.D. Dr. Zaafran recognized Dr. Booth for her work on the board and thanked her for her service. A Resolution will be sent to Dr. Booth.

Corporate Practice of Medicine – Dr. Zaafran reported on the Corporate Practice of Medicine.

Pain Management rule review update – Dr. Zaafran reported on the rule review updates regarding pain management. The board directed staff to publish in the Register for commenting.

Agenda Item #3, Consideration and possible action for dispositions below minimum guidelines. There were none.

Agenda Item #4, Consideration and approval of Mediated Settlement Agreed Orders. After consideration, **Dr. Distefano moved, Dr. Quinones seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for David Tanksley Butler, M.D; Eugenio G. Galindo, M.D.; and Allan Kapilivsky, M.D.**

Agenda Item #5, Consideration and possible action for Remedial Plans. After consideration, **Ms. Morgan moved, Dr. Farmer seconded, and the motion passed to approve the Remedial Plans for Olutola Olugbenga Adetona, M.D.; Oliver Lee Kesterson, III, M.D.; Samad Hassan Khan, M.D.; Christopher T. Mallavarapu, M.D.; Michael Sanmi Owolabi, M.D.; Joshua Scott Acree, M.D.; Preston Clay Alexander, M.D.; Tyronne Bush, D.O.; Deborah Cantrell, M.D.; John Chuang, M.D.; Victor Luis Cobos, M.D.; Jon-Michael Cook, M.D.; Shawn Michael Corwin, M.D.; Paula Gilda Cross-Shokes, M.D.; John Duong Dang, M.D. ; Jerry Thomas Davis, D.O.; Binh Dac Ho, M.D.; Teresa Danuta Kowalczyk, M.D.; Tiffany Nicole Latham, M.D.; Ana Isabel Lopez, M.D.; George Edward Manoukian, M.D.; Jose Ricardo Martinez, M.D.; Justin McDonnell Moher, M.D.; Narendra Nigayle, M.D.; Ahmed Kabir Qadri, M.D.; A Seema Raoshan, M.D.; Hector Samaniego, Jr., M.D.; Imran Alam Siddiqui, M.D.; Ramano Alvarez Spruiel, M.D.; David Maury Tucker, M.D.; Noelle Rose Turnbow, M.D.; Mike Nanyong Yuan, M.D.; Ulises Baltazar, M.D.; Pedro**

Blandon, M.D.; Felipe Gomez-Escandon, M.D.; Michael P. McLeod, M.D.; John Duffin Reveille, M.D.; and Marisa Suppatkul, M.D.

Agenda Item #6, Consideration and possible action for Agreed Orders. After consideration, Dr. Naidu moved, Ms. Morgan seconded, and the motion passed to approve the Agreed Orders for Tiffanni Dior Forbes, M.D.; Jay Lin, M.D.; Francis Thomas Wiser, M.D.; Balamurali Ambati, M.D.; Edward Chappell, M.D.; James Grady Mastrisciano, M.D.; Robert Stears, M.D.; Gregory Lee Eads, M.D.; Thomas Tung Tran, M.D.; Ajai Agarwal, M.D.; Oscar Andujo, M.D.; Emad Mikhail Tewfik Bishai, M.D.; Thomas Joseph Fitzharris, M.D.; Scott Houson Hung, M.D.; Larry Bernard Lipscomb, M.D. (Ms. Barnes recused); Robert Ryan Reid, M.D.; Michael R. Shukan, M.D.; and Raynaldo Ortiz, Jr., M.D.

Agenda Item #7, Consideration and approval of Modification Request/Termination Request Orders. After consideration, Dr. Distefano moved, Ms. Barnes seconded, and the motion passed to approve the Modification Request/Termination Request Orders for Larry D. Brown, M.D.; Julia Chowdhury, M.D.; Vinson Disanto, M.D.; Thomas Donohue, M.D.; Deziree Durayappah, D.O.; Cynthia Diane Goodman, M.D.; Emmanuel Elmo Harrison, M.D.; Syed A. Jamal, M.D.; Edwin Brady Locke, M.D.; Marco Munoz, M.D.; Ernesto Philip Rhodes, M.D.; Jimmi Rios-Perez, M.D.; David Richard Stager, Jr., M.D.; Sanjoy Sundaresan, M.D.; and Rafael Valenzuela, M.D.

Agenda Item #8, Consideration and approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders. There were none.

Agenda Item #9, Consideration and approval of Cease and Desist Orders. After consideration, Dr. Quinones moved, Dr. Vanderweide seconded, and the motion passed to approve the Cease and Desist Orders for Diana Acosta, Mary Chappel, Amber Chu, DDS, Krista Green, and Kielani Stellar.

Agenda Item #10, Consideration and approval of Nunc Pro Tunc Orders. There were none.

Agenda Item #11, Consideration and approval of Agreed Resolution Orders. There were none.

Agenda Item #12, Consideration and approval of Consent Orders. After consideration, Ms. Barnes moved, Dr. Nayak seconded, and the motion passed to approve the Consent Order for William Moran, M.D.

Agenda Item #13, Consideration and approval of Determination of Default.

a. Suresh Venkayya Dutta, M.D., SOAH #503-21-2625.MD

Shane Neldner, Staff Attorney, gave a brief overview of the case. Dr. Dutta was not present, and no one was present on his behalf. After consideration, Dr. Nayak moved, Ms. Barnes seconded, and the motion passed to accept the Determination of Default for revocation of license for Suresh Venkayya Dutta, M.D.

b. Valery Ann Niedermeyer, MD, SOAH #503-22-0285.MD

Kamisha Williams, Staff Attorney, gave a brief overview of the case. Dr. Niedermeyer was not present, and no one was present on her behalf. After consideration, Ms. Herod moved, Ms. Morgan seconded, and the motion passed to accept the Determination of Default for revocation of license for Valery Ann Niedermeyer, M.D.

At 9:32 am, Dr. Tibbels moved, Dr. Naidu seconded, and the motion passed to go into Executive Session for deliberations concerning disciplinary action, investigative information, peer review

information, and possible rehabilitation orders under the authority of The Medical Practice Act Sections 152.009, 160.006-160.008, 164.007(c), and 165.202-165.203, Occupations Code.

Open session resumed at 10:01 am, and it was announced no action was taken during executive session. A certified agenda of the executive session was made.

Agenda Item #14, Consideration and approval of Proposal for Decision.

a. Steve Frank Montoya, MD, SOAH #503-19-6971.MD

Michelle McFaddin, Staff Attorney, gave a brief overview of the case. Dr. Montoya was present and gave a statement. After consideration, **Dr. Tibbels moved, Dr. Vanderweide seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Steve Montoya, MD and to adopt the staff recommended Final Order.**

Agenda Item #15, Executive Director Report.

Internal Audit Update Mr. Carlton gave an update on the Internal Audit.

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

Board Graphic Mr. Carlton presented board stats on cases investigated.

Complaints Against the Agency Mr. Carlton presented the complaints against the agency.

Building Update Mr. Carlton gave an update on the agency's move to the new building. The agency is scheduled to move October 24th.

Agenda Item #16, Medical Director Report. Dr. Bredt reported that there are now 835 experts, with 4 more approved by DPRC. There is a need for experts in pediatric subspecialties, ophthalmologists, family practice and urology.

Agenda Item #17, Public Information Update. Mr. Jarrett Schneider gave a public information update. There is a page on the website dedicated to the Interstate Medical Licensure Compact.

Agenda Item #18, Report Physician Assistant Liaison. Ms. Melinda Gottschalk was present.

Agenda Item #19, Consideration and possible action regarding pending litigation. Mr. Freshour gave a report on pending litigation.

Agenda Item #20, Report on Temporary Suspension Hearings. A report on Temporary Suspension Hearings was provided.

Agenda Item #21, Report on Suspensions by Operation of Law. A report on Suspensions by Operation of Law was provided.

Agenda Item #22, Report on Motions for Rehearing Requests. A report on Rehearing Requests was provided.

Agenda Item #23, Report on Cease and Desist Orders Approved by Executive Director. A report on Cease and Desist Orders approved by Executive Director was provided.

Agenda Item #24, Report on Automatic Revocation Letters by Executive Director. There were none.

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

There were no items for Agenda Items #26-28.

Agenda Item #29, Discussion, recommendation, and possible action regarding proposed rule amendments to 22 T.A.C. There were none.

There were no items for Agenda Items #30-35.

Agenda Item #36, Open Forum for Public Comment. Sheila Hemphill, Texas Right to Know, gave public comments.

Agenda Item #37, Discussion, recommendation, and possible action relating to personnel matters. After discussion, **Dr. Bhatia moved, Dr. Martinez seconded, and the motion passed to accept the Executive Director evaluation and the salary recommendation.**

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

- 1. Consideration and approval of the June 10, 2022, 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, **Dr. Distefano moved, Ms. Barnes seconded, and the motion passed to approve the June 10, 2022, Medical Board Meeting Minutes and action items, as well as the minutes and action items of committees meeting during the board meeting.**

Agenda Item #38, Adjourn. There being no further items, **Ms. Morgan moved, Dr. Bhatia seconded, and the motion passed to adjourn the meeting at 10:37 a.m.**