



# Texas Medical Board

BOARD MEETING

October 16, 2020

Video Conference

The meeting was called to order on Friday, October 16, 2020 at 8:02 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Kandace B. Farmer, D.O., Vice-President; Michael E. Cokinos, Sec/Treasurer; Arun Agarwal; Sharon Barnes; Devinder S. Bhatia, M.D.; George L. DeLoach, D.O.; Robert Gracia; Jeffrey L. Luna, M.D.; Roberto D. Martinez, M.D.; Linda Molina, J.D.; LuAnn R. Morgan; Jayaram N. Naidu, M.D.; Satish Nayak, M.D.; Manuel "Manny" Quinones, Jr., M.D.; Jason K. Tibbels, M.D. and David G. Vanderweide, M.D. Tomeka Herod did not attend. Staff members present were Stephen Brint Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Bredt, M.D., Medical Director; and various other staff. *Dr. Farmer; Mr. Cokinos; Dr. Martinez; Dr. Nayak; Ms. Morgan; and Dr. Agarwal logged on to the meeting after roll call was taken.*

**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.**

**COVID-19 Update.** Dr. Zaafran gave an overview and update on COVID-19 and how it has affected TMB. No action was taken.

**Agenda Item # 14 Executive Director Report.**

**Budget Update.** Mr. Carlton reported budget is doing well with a 5% reduction in the biennium budget. No action was taken on this agenda item.

**Internal Audit Update.** Mr. Carlton reported that there will be an audit on revenues starting the week of October 19, 2020. The audit on the registration process for FY2020 has been completed and was satisfactory. No action was taken on this agenda item.

**COVID-19 Update.** Mr. Carlton gave update on agency processes and procedures given the global pandemic of coronavirus. Most staff are working from home with at least 25% going into the office at least one day a week. No action was taken on this agenda item.

**FSMB Webinar Update.** Mr. Carlton gave an update on information provided in the FSMB Webinar. No action was taken on this agenda item.

**Public Citizen.** Mr. Carlton gave an update on information regarding public comments. No action was taken on this agenda item.

**Recognition.** Mr. Carlton gave recognition to Sonja Aurelius, former Enforcement Support Manager, who retired September 30, 2020. Structural changes in the Enforcement Support Department were made, including a merger with the Litigation Department. A Director of Operations position was created, which is held by Chris Palazola. No action was taken on this agenda item.

**Agenda Item #3, Consideration and approval of Mediated Settlement Agreed Orders.** After discussion, **Dr. Quinones moved, Mr. Cokinos seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Ramil C. Jumao-As, M.D. and Kurt Loring Pflieger, M.D.**

**Agenda Item #4, Consideration and approval of Remedial Plans.** After consideration, **Dr. Quinones moved, Dr. Martinez seconded, and the motion passed to approve the Remedial Plans for Ezell Stallworth Autry, M.D.; Maria Dolores Chapa, M.D.; Jeremy David Chester, M.D.; Steven Philip Glusman, M.D.; Victor Kumar-Misir, M.D.; Ernest Gaston Layton, Jr., M.D.; John Edmond Pinkstaff, M.D.; Jorge Luis Rincon, M.D.; Juan Carlos Roza, M.D.; Kaveh Samani, M.D.; Peter McIntyre Shedden, M.D.; Daniel P. Slaughter, M.D.; Erica Swegler, M.D.; and George Dean Zgourides, M.D.** Dr. Bhatia and Dr. Zaafran recused from Peter McIntyre Shedden, M.D.

After consideration, **Mr. Gracia moved, Dr. Naidu seconded, and the motion passed to approve the Remedial Plan for David Lynn Boone, Jr., M.D.**

After consideration, **Ms. Barnes moved, Mr. Gracia seconded, and the motion passed to approve the Remedial Plans for Sami Naci Arslanlar, M.D.; Rodrigo David Cantu, M.D.; Clyde Leland Corey, M.D.; Robert K. Cowan, M.D.; Jimmy W. Dailey, M.D.; Glenna June Davis, D.O.; Don Arthur Enty, M.D.; Louis Fernand Fabre, Jr., M.D.; Abbaselom Ghermay, M.D.; Beverley L. Henwood, M.D.; Carlos A. Hernandez, M.D.; Robert Jacob Hernandez, Jr., M.D.; Lauren Buxbaum Kacir, M.D.; Dennis Edward Karasek, M.D.; Ira Krause, M.D.; James David Lowery, D.O.; Kenneth CQ Nguyen, M.D.; Monica Popov, M.D.; Naureen Jaffrey Sheikh, M.D.; Enrique Marquez Sta Ana, M.D.; and Fang Wang, D.O.** Dr. Quinones recused from Rodrigo David Cantu, M.D.

After consideration, **Mr. Cokinos moved, Ms. Barnes seconded, and the motion passed to approve the Remedial Plans for Gregory Eads, M.D.; Marcus Kyle Free, M.D.; Vera Mae Luther, M.D.; Kimberly Suzanne Maroney, M.D.; Edward Alejandro Miwa, M.D.; and Tibor Anthony Racz, M.D.** Dr. Zaafran recused from Gregory Eads, M.D.

After consideration, **Dr. Nayak moved, Dr. Bhatia seconded, and the motion passed to approve the Remedial Plans for Glenna June Davis, D.O.; Louis Degironemo, M.D.; and James Harold Price, Jr., M.D.**

**Agenda Item #5, Consideration and possible action for Agreed Orders.** After consideration, **Mr. Gracia moved, Dr. Bhatia seconded, and the motion passed to approve the**

**Agreed Orders for Stephen Paul Courtney, M.D.; Mark Richard Dambro, M.D.; Isam Yusuof Balat, M.D.; Craig B. Henry, M.D.; David Larry Kuban, D.O.; John Andrew Lang, M.D.; Carlos Eduardo Puig, M.D.; Danielle Andry Wijay, M.D.; Dino Mario Del Pino, M.D.; Garrett Houston Garner, M.D.; Paul Eugene Chaney, M.D.; Eugen Jagella, M.D.; Phillip T. Eichelberger, Jr., M.D.; and Andrea Lyn Galusha, M.D.** Dr. Martinez recused from Carlos Eduardo Puig, M.D.

**Agenda Item #12, at 8:36 a.m., Consideration and approval of Determinations of Default.**

- a) **Thomas Howard, Jr., M.D., SOAH #503-20-4332.MD** Susan Rodriguez, J.D., Manager of Litigation and Enforcement, was present and gave a brief presentation. Dr. Howard was not present, and no one appeared on his behalf.
- b) **Jeffrey Karnes, M.D., SOAH #503-20-1552.MD** Susan Rodriguez, J.D., Manager of Litigation and Enforcement, was present and gave a brief presentation. Dr. Karnes was not present, and no one appeared on his behalf.

After consideration, **Ms. Barnes moved, Dr. Bhatia seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Determination for Default to adopt the staff's suggested Default Order for revocation for both, Thomas Howard, Jr., M.D., and Jeffrey Karnes, M.D.**

**Agenda Item #6, Consideration and approval of Modification Request/Termination Request Orders.** After consideration, **Dr. Nayak moved, Dr. Luna seconded, and the motion passed to approve the Modification Request/Termination Request Orders for Vanita Agrawal, M.D.; William Michael Gregory, M.D.; Syed Jamal, M.D.; Phillip Wayne Jones, M.D.; Charles Leamon Poteet, Jr., M.D.; William Nevins Rush, M.D.; Pamela Doyle Wilson, M.D.; and Jesus I. Aguirre-Burgos, M.D.**

There were no items for agenda item #7.

**Agenda Item #8, Consideration and Approval of Cease and Desist Orders.**

After discussion, **Mr. Gracia moved, Dr. Martinez seconded, and the motion passed to approve the Cease and Desist Orders for Adolfo Cotter, M.D.; Trisha Leslie; Karisha L. Madden, D.D.S.; Dustin Moore; Alicia C. Omana, NMD, PhD; Bryan Allan Pryor, M.D.; Gabriela Solis-Gonzalez; and Lance Durrett, DC.**

**Agenda Item #9, Consideration and Approval of Nunc Pro Tunc Orders.**

After discussion, **Ms. Barnes moved, Dr. Farmer seconded, and the motion passed to approve the Nunc Pro Tunc Order for Robert Gerard Jakubowski, M.D.** Dr. Quinones recused himself from this agenda item.

There were no items for agenda items #10-11.

**Agenda Item #17, Report Physician Assistant Liaison.** Janith Mills, PA-C gave a brief report on behalf of the Physician Assistant Board. No action was taken on this agenda item.

**Agenda Item #13, at 8:45 a.m., Consideration and approval of Proposal for Decisions.**

- a) **Frank Elmer Lane, M.D., SOAH #503-18-5383.MD** Mr. Freshour gave a brief summary of the case. Jared Brehmer, J.D. and Johnathan Stone, J.D., Staff Attorneys, were present and gave brief presentations. Mr. Tuckfield appeared on behalf of Dr. Lane and provided a brief presentation.

**Executive Session.** Dr. Nayak moved, Dr. Tibbels seconded, and the motion passed to move into Executive Session 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 and the meeting closed to the public at 9:25 a.m.

**Executive Session adjourned and the board meeting reopened to the public at 10:45 a.m.**

After discussion, Ms. Molina moved, Dr. Naidu seconded, to adopt the proposed final order with the following amendments: 1) that the background section be removed and 2) with regard to the sanction section, that ordering paragraph no.2 be reduced to 8 hours of CME in the topic of ethics only; 3) with regard to item #4 the administrative penalty be reduced to \$500, and 4) that item #3 be removed.

Dr. DeLoach motioned to amend the motion; Dr. Naidu seconded, so that the 8 hours of CME is changed to 4 CME hours in medical recordkeeping and 4 CME hours in ethics. The motion to amend the motion passed.

**A vote was taken on the amended motion. The motion passed.**

**Agenda Item #15, Medical Director Report.** Dr. Bredt reported that there are now nearly 750 expert panelists, with the 3 approved in the Disciplinary Process Review Committee (DPRC) Meeting on October 15, 2020. There is still need for experts in neurosurgery. No action was taken on this agenda item.

**Agenda Item #16, Public Information Update.** Ms. Randermann provided a report.

**Agenda Item #18, Consideration and possible action regarding pending litigation.** Mr. Freshour gave an update on pending litigation. No action was taken on this agenda item.

**Agenda Item #19, Report on Temporary Suspension Hearings.** A report on Temporary Suspensions was provided. No action was taken on this agenda item.

**Agenda Item #20, Report on Suspensions by Operation of Law.** A report on Suspensions by Operation of Law was provided. No action was taken on this agenda item.

There were no items for agenda items #21.

**Agenda Item #22, Report on Cease and Desist Orders approved by Executive Director.** A report on Cease and Desist Orders approved by the Executive Director was provided. No action was taken on this agenda item.

**Agenda Item #23, Report on Automatic Revocation Letters by Executive Director.** A report on Automatic Revocation Letters by the Executive Director was provided. No action was taken on this agenda item.

There were no items for agenda items #24-28.

**Agenda Item #29, Discussion, recommendation, and possible action regarding proposed rule amendments to 22 T.A.C.**

- Chapter 193, Standing Delegation Orders  
§193.20 – Definitions, Full time equivalent

Ms. Yarbrough gave a summary of the amendment. **Dr. Bhatia moved, Ms. Morgan seconded, and the motion passed to approve the proposed rule amendments to 22 T.A.C., Chapter 193, Standing Delegation Orders, §193.20 – Definitions, Full time equivalent, for publication.**

There were no items for agenda items #30-35.

**Agenda Item #36, 11:08 a.m., Open Forum for Public Comment.** Public comments were given by Sheila Hemphill; Rep. Bill Zedler; and James “Jim” McClendon.

#### **CONSENT AGENDA**

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

After Consideration, **Ms. Barnes moved, Dr. Quinones seconded, and the motion passed to approve the Consent Agenda items:**

- 1. Consideration and approval of the August 21, 2020 Medical 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.**

**Agenda Item #37, Discussion, recommendation, and possible action relating to personnel matters.**

**Executive Session.** Dr. Zaafran moved, Ms. Barnes seconded, and the motion passed to move into Executive Session for the purposes of deliberations concerning personnel matters under the authority of the Open Meetings Act Section 551.074, Government Code and the meeting closed to the public at 11:22 a.m.

**Executive Session adjourned and the board meeting reopened to the public at 11:41 a.m.**

No action was taken on this agenda item.

**Agenda Item #38, Adjourn.** There being no further agenda items, **Dr. Bhatia moved, Dr. Quinones seconded, and the motion passed to adjourn the meeting at 11:42 a.m.**