



# Texas Medical Board

## BOARD MEETING

December 9, 2022

The meeting was called to order on Friday December 9, 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.; Robert Gracia; Robert Martinez, M.D.; LuAnn R. Morgan; Jayaram B. Naidu, M.D.; Satish Nayak, M.D.; Manuel Quinones, Jr., M.D.; Ebony V. Todd, J.D.; and David Vanderweide, M.D. Board members not present were Tomeka Herod and Jason Tibbels, M.D. Staff members present were: Brint Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Bredt, 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.** Dr. Zaafran reported that the legislative session is starting and staff will be monitoring anything that affects the board.

**Agenda Item #18, Consideration and possible action regarding pending litigation.** Mr. Freshour gave a report on pending litigation.

*At 8:08 am, Dr. Zaafran moved, Dr. Quinones seconded, and the motion passed to go 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.*

*Open session resumed at 8:28 am, and it was announced no action was taken during executive session. A certified agenda of the executive session was made.*

**Agenda Item #35, Open Forum for Public Comment.** Senator Bob Hall made public comments.

Ebony Todd left the meeting at 8:40 am.

**Agenda Item #3, Consideration and possible action for dispositions below minimum guidelines.** After discussion, Dr. Quinones moved, Dr. Distefano seconded, and the motion passed to approve the disposition below minimum guidelines for Amir Baluch, MD; Hung Thien Dang, MD; Michael Wolbert, MD.

**Agenda Item #4, Consideration and approval of Mediated Settlement Agreed Orders.** After consideration, Dr. Nayak moved, Mr. Gracia seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Nancy B. Del Rosario-Gonzalez, MD; Payman Sadeghi, MD; Kevin James Shelton, MD; Lloyd Mercer, Jr, MD; and Craig Henry, MD.

**Agenda Item #5, Consideration and possible action for Remedial Plans.** After consideration, Dr. Distefano moved, Dr. Martinez seconded, and the motion passed to approve the Remedial Plans for Neil Adelman, MD; Ajai Agarwal, MD; Michael Harry Bertino, MD; Jerry L. Gentry, II, MD; Muhammad A. Imran, MD; Emanuel P. Descant, II, MD (Dr. Bhatia recused); John David Hierholzer, MD; Robert Jeremy Laningham, MD; Rodney Jason Laningham, MD; Andres Mesa, MD; Melissa Hisey Miskell, DO; David Dyslin, MD; David M. Hirsch, DO (Dr. Quinones recused); Priya Kaimal Nair, MD; Quoc-Hung Tran, MD; Sunilkumar Somabhai Patel, MD; Cuong Trinh, MD; Randall Dean Walker, MD; and Michael J. Whiteley, DO (Dr. Bhatia recused)

**Agenda Item #6, Consideration and possible action for Agreed Orders.** After consideration, Dr. Martinez moved, Ms. Barnes seconded, and the motion passed to approve the Agreed Orders for Javier Gonzalez, MD (Dr. Quinones recused); James Darian Pierre, MD; Thomas Robert Synek, MD; David P. Pinto, MD; Daniel Boris Hadzic, MD; Alexander D. Lee, MD; Andrei Callejas, MD; Todd D. Gaddis, MD; Grant Hardeman Henry, MD; and John Krusz, MD.

**Agenda Item #7, Consideration and approval of Modification Request/Termination Request Orders.** After consideration, Ms. Barnes moved, Dr. Distefano seconded, and the motion passed to approve the Modification Request/Termination Request Orders for Christina Fox, MD; Robert M. Hein, MD; Nisha Jain, MD; Robert G. Jakubowski, MD (Dr. Quinones recused); Pertos K. Chapanos, MD; and Mary Gorman, MD.

**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, Ms. Morgan seconded, and the motion passed to approve the Cease and Desist Orders for Sandra Diane Lyden and Daniel Baijal.

**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, Mr. Cokinos moved, Ms. Morgan seconded, and the motion passed to approve the consent order for Luis Jesus Carbajal Gonzalez, MD.

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

**a. Joseph Edward Moroschan, M.D., SOAH #503-22-06447.MD**

Amy Swanholm, Litigation Manager, gave a brief overview of the case. Dr. Moroschan was not present, and no one was present on his behalf. After consideration, Dr. Vanderweide moved, Ms. Morgan seconded, and the motion passed to adopt the Determination of Default for Joseph Edward Moroschan, M.D.

**b. Michael Paul Regan, M.D., SOAH #503-22-08785.MD**

Amy Swanholm, Litigation Manager, gave a brief overview of the case. Dr. Regan was not present, and no one was present on his behalf. After consideration, Dr. Bahtia moved, Dr. Distefano seconded, and the motion passed to adopt the Determination of Default for Michael Paul Regan, M.D.

**c. Joe Wayne Morrow, D.O., SOAH #503-22-08288.DO**

Kemisha Williams, Staff Attorney gave a brief overview of the case. Dr. Morrow was not present, and no one was present on his behalf. After consideration, Dr. Martinez moved, Ms. Morgan seconded, and the motion passed to adopt the Determination of Default for Joe Wayne Morrow, D.O.

**d. Brett McKinney Thacker, M.D., SOAH #503-22-08902.MD**

Amy Swanholm, Litigation Manager, gave a brief overview of the case. Dr. Thacker was not present, and no one was present on his behalf. After consideration, **Dr. Vanderweide moved, Ms. Morgan seconded, and the motion passed to adopt the Determination of Default for Brett McKinney Thacker, M.D.**

**e. Richard Martin Roberts, M.D., SOAH #503-21-3457.MD**

Preston Tom, Staff Attorney, gave a brief overview of the case. Dr. Roberts was not present, and no one was present on his behalf. After consideration, **Ms. Morgan moved, Dr. Naidu seconded, and the motion passed to adopt the Determination of Default for Richard Martin Roberts, M.D.**

There were no items for Agenda Item #14.

**Agenda Item #15, Executive Director Report.**

**Budget Update** 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 reported that the agency is fully moved in to the GWB building.

**Possible Formation of a Committee Regarding Active Practice Determination, Remedies, and Limitations** Mr. Carlton suggested the formation of a committee with 1 member from each board to discuss active practice and what determines active practice.

Mr. Carlton discussed the letter from Governor Abbot regarding the use of TikTok on state issued devices.

**Agenda Item #16, Public Information Update.** Ms. Sloan gave an update on the upcoming legislative session.

**Agenda Item #17, Report Physician Assistant Liaison.** There was nothing to report.

**Agenda Item #19 Report on Temporary Suspension Hearings.** A report on Temporary Suspension Hearings was provided.

**Agenda Item #20, Report on Suspensions by Operation of Law.** There were none.

**Agenda Item #21, Report on Motions for Rehearing Requests.** There were none.

**Agenda Item #22, 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 #23, Report on Automatic Revocation Letters by Executive Director.** A report on Automatic Revocation Letters by Executive Director was provided.

**Agenda Item #24, Report on Automatic Orders.** A report on Automatic Orders was provided.

There were no items for Agenda Items #25-26.

**Agenda Item #27, Consideration and approval of Revised, Vacated, or Amended Orders.** After Consideration, **Dr. Nayak moved, Mr. Gracia seconded, and the motion passed to rescind the previous order and approve the Amended Order for Adriano Goffi, MD.**

There were no items for Agenda Items #28-34.

**Agenda Item #36, Discussion, recommendation, and possible action relating to personnel matters.** There were none.

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

- 1. Consideration and approval of the October 14, 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, Ms. Barnes moved, Dr. Bhatia seconded, and the motion passed to approve the October 14, 2022, Medical Board Meeting Minutes and action items and minutes and action items of committees meeting during the board meeting.

**Agenda Item #37, Adjourn.** There being no further items, Dr. Bhatia moved, Dr. Vanderweide seconded, and the motion passed to adjourn the meeting at 9:24 a.m.