



Texas Medical Board

BOARD MEETING
333 GUADALUPE, TOWER 2, SUITE 225
AUSTIN, TEXAS
March 1, 2019

The meeting was called to order on Friday March 1, 2019 at 8:10 a.m. by Board President, Sherif Z. Zaafran, M.D. Board members present were: Sharon Barnes; Michael E. Cokinos; George L. De Loach, D.O.; Frank Denton; Kandace B. Farmer, D.O.; Robert Gracia; Jeffrey L. Luna, M.D.; Roberto D. Martinez, M.D.; Margaret McNeese, M.D.; Linda Molina, J.D.; LuAnn R. Morgan; Manuel "Manny" Quinones, Jr., M.D.; Karl W. Swann, M.D.; David G. Vanderweide, M.D.; Surendra K. Varma, M.D.; and Timothy Webb, J.D. Board members not present were J. Scott Holliday, D.O., MBA; and Jayaram N. Naidu, M.D. Board staff present were Stephen Brint Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Bredt, M.D., Medical Director; Megan Goode, Governmental Affairs and Public Information Manager; and the Assistant General Counsels Sarah Tuthill, J.D., Amy Swanholm, J.D., and Yvette Yarbrough, J.D.; 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, Open Forum for Public Comments. Amy Tyler, Texas Association of Naturopathic Doctors; Sheila Hemphill, Texas Right to Know; and Dr. Benjamin Levine, M.D. all signed in and gave public comment.

Agenda item #3, Board Member Report

- a. **Golden Aesculapius Award.** Dr. Zaafran announced Dr. Manuel "Manny" Quinonez received the 2019 Golden Aesculapius Award recognizing a lifetime of distinguished service by a BCMS member to its patients and the profession.
- b. **PHP Update.** Dr. Zaafran introduced Dr. Mehendale, chair of PHP. Dr. Mehendale gave an update on the Physician Health Program. Dr. Mehendale introduced Dr. Russell Carter, M.D. as PHP's candidate for Executive Medical Director for the Physician Health Program.

Board agreed to go to Agenda Item #35.

Agenda Item #35, Discussion, recommendation, and possible action relating to the appointment of an Executive Medical Director for the Physician Health Program.

After consideration, **Dr. Varma moved, and Ms. Barnes seconded, and the motion passed to appoint Dr. Russell Carter as the Executive Medical Director of the Physician Health Program.**

Michael Cokinos and Timothy Webb arrived at 8:25 AM.

The board recessed briefly at 8:55 a.m.

The board reconvened at 9:00 a.m. and a quorum was confirmed.

Agenda Item #10 at 9:00 AM, Presentation by Federation of State Medical Boards.

Sarvam Ter Konda, M.D., Humayun Chaudry, D.O., and Lisa Robins gave presentation on FSMB.

Agenda Item #12 at 9:30 AM, Consideration and approval of Determination of Default.

- a. **Samuel Chukwukannaene Ngwu, M.D., SOAH #503-17-3480.** Mr. Freshour gave a brief overview. Claudia Kirk, J.D., staff attorney was present and gave a brief presentation. Dr. Ngwu did not appear. No one appeared on his behalf. After consideration, **Mr. Webb moved, Ms. Barnes seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Samuel Chukwukannaene Ngwu, M.D., and to adopt the staff's suggested final order.**
- b. **Benedict Oladipo Olusola, M.D., SOAH #503-18-2044.** Mr. Freshour gave a brief overview. Michelle McFaddin, J.D. staff attorney was present and gave a brief presentation. Dr. Olusola did not appear, and no one appeared on his behalf. After consideration, **Mr. Webb moved, Mr. Gracia seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Benedict Oladipo Olusola, M.D., and to adopt the staff's suggested final order for revocation.**

Agenda item #14, Medical Director Report. Dr. Bredt gave a report on expert panelists and chart monitors. Dr. Bredt requested additional panelist suggestions in some specialties. Dr. Bredt introduced former board member Dr. Wynn Snoots. Dr. Snoots gave a presentation on Traditional Medical Records vs. Electronic Medical Records. Mr. Webb recommended recirculating physician statement from 2015.

Agenda item #4, Consideration and Approval of Mediated Settlement Agreed Orders. After consideration, **Dr. Varma moved, Mr. Cokinos seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for David Syn, M.D.; Joseph Carver Lampley, DO; and Brandon Morshedi MD.**

Agenda item #5, Consideration and approval of Remedial Plans. Remedial Plans #23 and #24 were pulled for discussion. After consideration, **Ms. Morgan moved, Dr. Farmer seconded, and the motion passed to approve the Remedial Plans for David G. Carpenter,**

D.O.; Christopher Wayne Dyer, D.O.; Lacreacia K. Foster, D.O.; Drew Courtney Heiple, M.D.; Travis Edward Lehman, D.O.; James Patrick McGovern, M.D.; Miguel Angel Molinas, M.D.; Stephanie Ann Pickel, M.D.; Padmapriya Sivaraman, M.D.; William M Spurlock, M.D.; Archer K. Tullidge, M.D.; Shamoon Ahmed, M.D.; Irma L. Aguirre, M.D.; Jared Zachary Brinker, M.D.; Jose Arturo Cobos, M.D.; James Alexander Field, M.D.; Anne M. Glaser, M.D.; Gilbert Ledesma, M.D.; Peter Lloyd Rutledge, M.D.; Trang Vo, M.D.; Edward Orland Brooks III, M.D.; Jason Logan Gipson, M.D.; Randall E. Morris M.D.; Sushanta K. Goswani, M.D.; and Paul H. Le, M.D.

After consideration, **Dr. McNeese moved, Dr. Varma seconded, and the motion passed to approve the Remedial Plans for Jerold Stephen Greer, SA, and Timothy Andrew Marvin, SA, with the amendment of deleting the public reprimand and adding 4 hours of continuing medical education in Ethics in each Remedial Plan.**

Agenda item #6, Consideration and possible action for Agreed Orders. Dr. Varma was recused for consideration of the Agreed Order for Brianne Nicole Williams, M.D.

After consideration, **Dr. Farmer moved, Ms. Morgan seconded, and the motion passed to approve the Agreed Order for George William Allibone, M.D., with a clerical correction of a typographical error.**

After consideration, **Dr. McNeese moved, Mr. Cokinos seconded, and the motion passed to approve the Agreed orders for Mohammad J. Tariq, M.D.; Melanie Lynn Mercer-Parks, M.D.; Michael Jerome Pendleton, M.D.; Robert James Brock, M.D.; Warren Hunter Looney, M.D.; Kevin Len Weaver, M.D.; Brianne Nicole Williams, M.D.; Maninderjit Kaur Atwal, M.D.; Khaja Chisty, M.D.; Denise Rochelle Greenwood, M.D.; Vanessa Thomas, M.D.; Kevin Alexander Williams, M.D.; Eldor Brish, M.D.; Derrick Dione Cox, M.D.; Ghassan Shawki Freiha, M.D.; Zeba Gill, M.D.; Syed K. Hussain, M.D.; Truc Le Jr., M.D.; Bruce Scott Markman, M.D.; Ali Mohamad Nasur, M.D.; Irfan Ibrahim Wadiwala, D.O.; Mathew John Windrow, M.D.; Abel Garduno, M.D.; Venkateswara Roa Karuparthi, M.D.; Amy Quynh Trang Pham, M.D.; Gregory Skie, M.D.; Joseph Cohn, M.D.; Nabeel M. Mulla, M.D.; Joseph Oei, M.D.; Rafael E. Valenzuela, M.D.**

Agenda item #7, Consideration and approval of Modification Request/Termination Request Orders. After consideration, **Dr. Varma moved, Mr. Webb seconded, and the motion passed to approve the Modification Request/Termination Request Orders for Asim Syed Aijaz, M.D.; Eric Ping Chiand, M.D.; Izzeldeen Elhage, M.D.; Jaishree Riva Ellis, M.D.; Graham J. Emslie, M.D.; Billy Wayne Henderson, M.D.; Ronald Michael Pucillo, M.D.; Julia Renee Ward, M.D.; and Veena Surapaneni, M.D. and and**

Agenda item #8, Consideration and approval of Cease and Desist Agreed Orders. After consideration, **Dr. Varma moved, Ms. Morgan seconded, and the motion passed to approve the Cease and Desist Agreed Order for Matthew Trane.**

Agenda item #9, Consideration and approval of Nunc Pro Tunc Orders. After consideration, **Mr. Cokinós moved, Dr. Varma seconded, and the motion passed to approve the Nunc Pro Tunc order for Suresh Venkayya Dutta, M.D.**

There were no items for Agenda item #11.

Agenda item #13 Executive Director Report.

- a. Budget Update** – Mr. Carlton gave an update that the budget remains on track and in good standing.
- b. Legislative Update** – Mr. Carlton gave an update on the current legislative session.
- c. Internal Audit Update** – Mr. Carlton gave an update on the Internal Audit Plan presented at the Executive Committee meeting.
- d. Single DWIs** – Mr. Carlton reviewed the process for respondents with a single DWIs. After discussion, the board directed staff to delay processing single DWIs, review the current policy, and bring back revised guidelines for Board consideration.

Mr. Denton suggested an option for public service. After discussion, the board directed staff to review options for adding public service to the ISC disciplinary guidelines.

Agenda item #15, Public Information Update. Ms. Goode gave no additional updates.

Agenda item #16, Report Physician Assistant Liaison. Ms. Crosby was present but had no report.

Agenda item #17, Consideration and possible action regarding pending litigation. Mr. Freshour gave a brief update on pending litigation.

Agenda item #18, Discussion, recommendation, and possible action regarding instituting pre-ISC process for surgical assistants, medical physicists, and perfusionist. Brint reported all boards except the Acupuncture Board have adopted the pre-ISC F-04 process.

Agenda item #19, Report on Temporary Suspension Hearings. A report on Temporary Suspension Hearings was presented.

Agenda item #20 Report on Motions for Rehearing Requests. There were no motions for rehearing requests.

Agenda item #21, Report of Suspension by Operation of Law. A report was presented of Suspension by Operation of Law.

Agenda item #22, Report on Cease and Desist Orders approved by the Executive Director. A report was presented on Cease and Desist Orders approved by the Executive Director.

Agenda Item #23, Report on Automatic Orders. A report was presented on Automatic Orders.

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

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

- a. Chapter 172 Subchapter – Physician Practice and Limited License for Disaster and Emergencies.

Mr. Freshour presented a brief summary and review of the proposed rule. After discussion, **Mr. Webb moved, Dr. McNeese seconded, and the motion passed to approve Chapter 172 Subchapter- Physician Practice and Limited License for Disaster and Emergencies for publication in the Texas Register for public comment.** Mr. Denton abstained.

Agenda Item #30, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C.

- a. **Chapter 175. Fees and Penalties**
§175.2 Registration and Renewal Fees

Mr. Freshour, General Counsel, presented a brief summary and review of the proposed amendments. After consideration, **Ms. Barnes moved, Ms. Morgan seconded, and the motion passed to adopt the proposed amendment and rule review to 22 T.A.C. Chapter 175. Fees and Penalties §175.2 Registration and Renewal Fees.**

Agenda Item #31, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C. Chapter 183, Acupuncture. There were no items for Agenda item #31.

Agenda Item #32, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C. Chapter 185, Physician Assistants. There were no items for Agenda item #32.

Agenda Item #33, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C. Chapter 194, Medical Radiologic Technology

- **§194.6 Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board’s Non-Certified Technician General Registry**
- **§194.10 Retired Certificate or NCT General Registration Permit**
- **§194.12 Standards for the Approval of Certificate Program Curricula and Instructors**
- **§194.13 Mandatory Training Programs for Non-Certified Technicians**
- **§194.23 Criminal Background**

Ms. Sarah Tuthill, Assistant General Counsel, gave a brief summary and review of the proposed rules for adoption. The rules were published for public comment in December 2018 and received two written comments. Ms. Tuthill gave a brief summary of the comments made and staff response. No one signed in to present an oral comment. After discussion, **Ms. Barnes moved, Dr. McNeese seconded and the motion passed to adopt the proposed rule amendments and rule review for 22 T.A.C. Chapter 194, Medical Radiologic Technology:**

- **§194.6 Procedural Rules and Minimum Eligibility Requirements for Applicants for a Certificate or Placement on the Board's Non-Certified Technician General Registry**
- **§194.10 Retired Certificate or NCT General Registration Permit**
- **§194.12 Standards for the Approval of Certificate Program Curricula and Instructors**
- **§194.13 Mandatory Training Programs for Non-Certified Technicians**
- **§194.23 Criminal Background**

Mr. Webb, Mr. Denton, Dr. Farmer, and Dr. DeLoach opposed the motion.

Agenda Item #34, Discussion, recommendation, and possible action regarding adoption of propose rule amendments and rule review to 22 T.A.C. Chapter 186, Respiratory Care.

- **§186.4 Procedural Rules and Qualifications for Certificate Applicants**
- **§186.10 Continuing Education Requirements**
- **§186.28 Retired Certificate**

Ms. Yvette Yarbrough, Assistant General Counsel, gave a brief summary and review of the proposed rules for adoption. The rules were published for comment in October and November 2018. No comments were received. No one signed in to present an oral comment. After discussion, **Dr. Gracia moved, Ms. Barnes seconded, and the motion passed to adopt the proposed rule amendments and rule review for to 22 T.A.C. Chapter 186, Respiratory Care:**

- **§186.4 Procedural Rules and Qualifications for Certificate Applicants**
- **§186.10 Continuing Education Requirements**
- **§186.28 Retired Certificate**

CONSENTAGENDA

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

- 1. Consideration and approval of the December 7, 2018 Medical Board Meeting Minutes and action items.**
- 2. Consideration and approval of the January 18, 2019 Emergency Executive Minutes and action items.**
- 3. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.**

After consideration, **Dr. Varma moved, Ms. Morgan seconded, and the motion passed to approve the Consent Agenda items:**

1. **Consideration and approval of the December 7, 2018 Medical Board Meeting Minutes and action items.**
2. **Consideration and approval of the January 18, 2019 Emergency Executive Minutes and action items.**
3. **Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.**

Agenda item #35, Adjourn. There being no further agenda items, **Ms. Morgan moved, Mr. Cokinos seconded, and the motion passed to adjourn the meeting at 11:59 p.m.**