

TEXAS MEDICAL BOARD
MINUTES OF THE
DISCIPLINARY PROCESS REVIEW COMMITTEE
December 3, 2020 at 9:15 am

Chair, Manuel Quinones, Jr., M.D., called the meeting to order at 9:45 a.m. Other members present were Sharon Barnes, James S. Distefano, D.O., Robert Gracia, LuAnn Morgan, Jason K. Tibbles, M.D., David G. Vanderweide, M.D., and Sherif Zaafran, M.D. Devinder S. Bhatia, M.D., was not in attendance.

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).

Ms. Barnes moved and Dr. Vanderweide seconded that TXPHP Case #1, 10-0296, be returned to the jurisdiction of the Texas Medical Board. Motion carried.

Ms. Barnes moved and Dr. Vanderweide seconded that TXPHP Case #2, 15-0102-C, be returned to the jurisdiction of the Texas Medical Board. Motion carried.

Dr. Tibbles moved and Dr. Vanderweide seconded that TXPHP Case #3, 16-0178, be returned to the jurisdiction of the Texas Medical Board. Motion carried.

Ms. Barnes moved and Dr. Vanderweide seconded that TXPHP Case #4, 19-1110, remain under the management of TXPHP. Motion carried.

Dr. Tibbles moved and Dr. Distefano seconded that TXPHP Case #5, 20-0204, remain under the management of TXPHP. Motion carried.

Dr. Tibbles moved and Dr. Vanderweide seconded that TXPHP Case #6, 20-0415, remain under the management of TXPHP. Motion carried.

Ms. Morgan moved and Dr. Vanderweide seconded that TXPHP Case #7, 20-1005, be returned to the jurisdiction of the Texas Medical Board. Motion carried.

Agenda Item #3. Discussion, recommendation, and possible action regarding renewals involving impaired licensees. (none)

Agenda Item #4. Reports and discussion regarding the Investigation, Litigation, and Compliance Departments.

Mr. Carlton presented the Enforcement Activity Report for the second meeting in FY2021 a copy of which is attached. This was an informational item only and no vote was necessary.

Agenda Item #5. Discussion, recommendation, and possible action regarding Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code:³
(none)

Agenda Item #6. Review, discussion, and possible action regarding review of probationer's appearances.

Dr. Tibbles moved and Ms. Morgan seconded to approve review of probationer's appearances. Motion carried.

Agenda Item #7. Consideration and approval of membership of the Expert Physician Panel.

Ms. Barnes moved and Ms. Morgan seconded to approve the sixteen appointments of the Expert Panel members, and one expert panelist application be denied, as noted in the attachment. Motion carried.

Agenda Item #8. 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 10:24 a.m., Ms. Barnes moved and Mr. Gracia 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 1:09 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 #9. Review, discussion, and possible action regarding appeals of dismissed complaints. A. Jurisdictional Complaints: i. 19-2448, 20-0752, 20-1781, 20-3743, 20-4859, 20-5403, **20-5410***, 20-5513, **20-6610***, **20-6611*** Investigations: ii. 20-0728 (20-2252) Legal Files B. Jurisdictional-Not-Filed Complaints: 20-1776, 20-4868, 20-6757, 20-7190, 20-7264, 20-7306, 20-7415, 20-7416, 20-7947, 20-7952, 20-7953, 20-7976, 20-8178, 20-8654, 21-0060, 21-0129, 21-0235, 21-0424, 21-0462, 21-0571, 21-0573, **21-0726*** C. Non-Jurisdictional Complaint: None

Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item 9.A.i. Log #20-5410 be granted. Motion carried. Direction to staff, investigate a pattern of behavior regarding physician and admittance, credentialing and peer review. Open an investigation on the ER doctor on call. Refer the hospital to HHSC for investigation of CMO, peer review and credentialing processes and protocols.

Ms. Barnes moved and Dr. Vanderweide seconded that the appeal of Item 9.A.i. Log #20-6610 be denied. Motion carried.

Ms. Barnes moved and Dr. Vanderweide seconded that the appeal of Item 9.A.i. Log #20-6611 be denied. Motion carried.

Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item 9.A.i. Log #20-8179 be granted. Motion carried. Dr. Quinones recused.

Dr. Zaafran moved and Ms. Morgan seconded that the appeal of Item 9.A.i. Log #21-0060 be granted. Motion carried. Dr. Quinones recused. Direction to staff, patient information was received, proceed with the review.

Mr. Gracia moved and Ms. Morgan seconded that all remaining appeals under Agenda Item 9.A.i above be denied. Motion carried.

Mr. Gracia moved and Ms. Morgan seconded that the appeal of Item 9.A.ii. Log #20-0728 (20-2252) be denied. Motion carried.

Dr. Quinones moved and Dr. Vanderweide seconded that the appeal of Item 9.B. Log #21-0726 be denied. Motion carried.

Mr. Gracia moved and Dr. Vanderweide seconded that all other remaining appeals under Agenda Item 9.B not specifically granted above be denied. Motion carried.

Agenda Item #10. Discussion, recommendation, and possible action regarding routine follow-up on investigative files previously referred from the DPRC for follow-up action, specifically including:

Dr. Vanderweide moved and Dr. Tibbles seconded that follow-up file #19-1885 be dismissed. Motion carried.

At 1:40 p.m., Ms. Morgan moved and Ms. Barnes 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 2:04 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 #11. Review, discussion, and possible action regarding selected files and cases.

Ms. Barnes moved and Ms. Morgan seconded that all files under Agenda Item 11 QA rejected Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Ms. Barnes moved and Ms. Morgan seconded that all files under Agenda Item 11 QA rejected Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Ms. Morgan moved and Mr. Gracia seconded that all files under Agenda Item 11 Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. Vanderweide moved and Dr. Tibbles seconded that all files under Agenda Items 11 Standard of Care files for review be resolved as noted on the individual sign-off sheets. Motion carried.

Ms. Morgan moved and Dr. Distefano seconded that all files under Agenda Items 11. 3. a.b.c. files for review be resolved as noted on the individual sign-off sheets. Motion carried.

Agenda Item #12 Adjourn.

Dr. Vanderweide moved and Dr. Tibbles seconded that the meeting adjourn.

Motion carried at 2:09 p.m.

**Texas Medical Board
Disciplinary Process Review Committee
TXPHP - Participant Case Review
December 3, 2020**

| Case # | Remain with PHP | Accepted by TMB | Continue |
|---------------|------------------------|------------------------|-----------------|
| 1 | | X | |
| 2 | | X | |
| 3 | | X | |
| 4 | X | | |
| 5 | X | | |
| 6 | X | | |
| 7 | | X | |

TMB - 2nd Meeting December 4, 2020
Enforcement Activity Summary First Quarter

| INVESTIGATIONS/COMPLAINTS | 9/1 TO 11/30 | FY 2021 | FY 2020 | FY 2019 |
|----------------------------------|---------------------|----------------|----------------|----------------|
| Initiated | 395 | 395 | 738 | 1192 |
| Completed | 478 | 478 | 2449 | 2226 |
| Litigation | | | | |
| ISCs | 213 | 213 | 515 | 728 |
| Contested Hearings | 0 | 0 | 7 | 12 |
| Complaints Filed at SOAH | 2 | 2 | 36 | 82 |
| Mediations | 0 | 0 | 9 | 11 |
| Temp. Suspensions/Rests | 14 | 14 | 42 | 39 |
| Compliance | | | | |
| Probationers | 698 | 698 | 687 | 687 |
| Drug Screens | 483 | 483 | 2997 | 3037 |
| Medical Board Actions | | | | |
| Final Orders | 1 | 1 | 5 | 10 |
| Defaults | 2 | 2 | 9 | 2 |
| Agreed Orders | 13 | 13 | 141 | 171 |
| Suspensions | 2 | 2 | 13 | 13 |
| Cease and Desist | 8 | 8 | 22 | 3 |
| Mediated Agreed Orders | 2 | 2 | 4 | 7 |
| Remedial Plans | 48 | 48 | 122 | 131 |
| Terminations | 11 | 11 | 32 | 45 |
| Modifications | 2 | 2 | 23 | 23 |

Expert Panel Members for Board Approval December 2020

| LAST | FIRST | LIC # | CITY | SPECIALTY |
|------------------|---------|-------|---------------|---------------------------------|
| Albracht, Jr | David | J3275 | Dallas | Internal Medicine |
| Aranibar | Roberto | F8395 | San Antonio | Neuro Surgery |
| Bajwa | Ali | P1265 | Houston | Family Medicine |
| Cargill | Calvin | H6093 | Stanton | Family Practice |
| Flores | Sara | N0022 | Houston | Psychiatry |
| Goli | Anil | N7264 | Port Arthur | Cardiology Electrophysiology |
| Guess | Aaron | P6172 | Fairview | Emergency Medicine |
| Hall-Hoskins | Admerle | G8156 | Lewisville | Urgent Care/Preventive Medicine |
| Hassan | Saif | Q7701 | The Woodlands | General Surgery |
| Irizarry | Milton | S3402 | Cedar Park | Family Medicine |
| Lakkis | Nasser | J5171 | Houston | Interventional Cardiology |
| Manrique de Lara | Carlos | K3794 | Edinburg | Ophthalmology |
| Olsen | Alex | N9618 | Tulsa, OK | General Surgery |
| Rodriguez | Ismael | P7194 | El Paso | Internal Medicine |
| Selinger | Scott | S4682 | Austin | Internal Medicine |
| Summakia | Mohamed | N0488 | Denton | Neurology |
| Wu | Kenneth | P7051 | Shenandoah | Anesthesiology/Pain Medicine |

Interim Approval

DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED**ISC PANEL RECOMMENDATIONS – Texas Medical Board**December 3rd, 2020**CASE # CLOSE CONT. TO ISC**

| | | | |
|---------|----------|--|--|
| | | | |
| 20-0942 | X | | |
| 20-1008 | X | | |
| 20-0967 | X | | |
| 20-1059 | X | | |
| 20-1017 | X | | |
| 20-0956 | X | | |
| 20-0998 | X | | |
| 20-1026 | X | | |
| 20-1062 | X | | |
| 20-0950 | X | | |
| 20-0959 | X | | |
| 20-1068 | X | | |
| | | | |
| | | | |
| | | | |
| | | | |

Total = 12

COMPLAINTS REVIEWED PURSUANT TO STAFF**CASE # CLOSE CONT. TO ISC**

| | | | |
|---------|----------|--|--|
| | | | |
| 19-0952 | X | | |
| 20-1000 | X | | |
| 21-0095 | X | | |
| 21-0096 | X | | |
| 20-0743 | X | | |
| 20-0593 | X | | |
| 21-0142 | X | | |
| 20-1082 | X | | |
| 20-1083 | X | | |
| 20-1011 | X | | |
| 20-0399 | X | | |
| 20-0888 | X | | |
| | | | |
| | | | |

Total = 12

SOAH Case Dismissals (To be reviewed by full committee) Also, to have Formal complaint in LF

| CASE # | CLOSE | CONT. | TO ISC |
|--------|-------|-------|--------|
| | | | |
| | | | |

Total =

TXPHP Dismissals

| CASE # | CLOSE | CONT. | TO ISC |
|---------|----------|-------|--------|
| | | | |
| 20-0497 | X | | |
| 20-0867 | X | | |
| 20-0868 | X | | |

Total = 3

Legal Pre-Investigation Dismissal

| CASE # | CLOSE | CONT. | TO ISC |
|--------|-------|-------|--------|
| | | | |

Total =

DPRC December 3, 2020

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

Total : 139

| Log Number | Close | Continue | ISC | Hold | Name |
|------------|-------|----------|-----|------|------|
| 191885 | X | | | | |
| 192054 | X | | | | |
| 197087 | X | | | | |
| 197581 | X | | | | |
| 197925 | X | | | | |
| 200943 | X | | | | |
| 201868 | X | | | | |
| 201951 | X | | | | |
| 202449 | X | | | | |
| 202763 | X | | | | |
| 203066 | X | | | | |
| 203339 | X | | | | |
| 203749 | X | | | | |
| 204494 | X | | | | |
| 205095 | X | | | | |
| 205136 | X | | | | |
| 205177 | X | | | | |
| 205279 | X | | | | |
| 205280 | X | | | | |
| 205303 | X | | | | |
| 205355 | X | | | | |
| 205446 | X | | | | |
| 205453 | X | | | | |
| 205507 | X | | | | |
| 205518 | X | | | | |
| 205577 | X | | | | |
| 205580 | X | | | | |
| 205582 | X | | | | |
| 205639 | X | | | | |
| 205668 | X | | | | |
| 205681 | X | | | | |
| 205781 | X | | | | |
| 205797 | X | | | | |
| 205958 | | X | | | |
| 206143 | X | | | | |
| 206215 | X | | | | |
| 206220 | X | | | | |
| 206242 | X | | | | |
| 206384 | X | | | | |
| 206387 | X | | | | |

| Log Number | Close | Continue | ISC | Hold | Name |
|------------|-------|----------|-----|------|------|
| 206409 | X | | | | |
| 206491 | X | | | | |
| 206523 | X | | | | |
| 206553 | X | | | | |
| 206555 | X | | | | |
| 206593 | X | | | | |
| 206597 | X | | | | |
| 206636 | X | | | | |
| 206760 | X | | | | |
| 206768 | X | | | | |
| 206828 | X | | | | |
| 206864 | X | | | | |
| 206922 | X | | | | |
| 207022 | X | | | | |
| 207031 | X | | | | |
| 207075 | X | | | | |
| 207078 | X | | | | |
| 207090 | X | | | | |
| 207217 | X | | | | |
| 207221 | X | | | | |
| 207222 | X | | | | |
| 207321 | X | | | | |
| 207356 | X | | | | |
| 207377 | X | | | | |
| 207399 | X | | | | |
| 207459 | X | | | | |
| 207493 | X | | | | |
| 207508 | X | | | | |
| 207710 | X | | | | |
| 207712 | X | | | | |
| 207730 | X | | | | |
| 207746 | X | | | | |
| 207751 | X | | | | |
| 207783 | X | | | | |
| 207802 | X | | | | |
| 207821 | X | | | | |
| 207905 | X | | | | |
| 207943 | X | | | | |
| 207966 | X | | | | |
| 207969 | X | | | | |
| 208001 | X | | | | |
| 208183 | X | | | | |
| 208233 | X | | | | |
| 208283 | X | | | | |
| 208288 | | X | | | |
| 208346 | X | | | | |

| Log Number | Close | Continue | ISC | Hold | Name |
|------------|-------|----------|-----|------|------|
| 208355 | X | | | | |
| 208359 | X | | | | |
| 208362 | X | | | | |
| 208418 | X | | | | |
| 208419 | X | | | | |
| 208421 | X | | | | |
| 208441 | X | | | | |
| 208449 | X | | | | |
| 208526 | X | | | | |
| 208530 | X | | | | |
| 208545 | X | | | | |
| 208547 | X | | | | |
| 208554 | X | | | | |
| 208602 | X | | | | |
| 208624 | X | | | | |
| 208626 | X | | | | |
| 208638 | X | | | | |
| 208647 | X | | | | |
| 208650 | X | | | | |
| 208694 | X | | | | |
| 208819 | X | | | | |
| 208823 | X | | | | |
| 208854 | X | | | | |
| 208874 | X | | | | |
| 209105 | X | | | | |
| 210017 | X | | | | |
| 210085 | X | | | | |
| 210126 | X | | | | |
| 210127 | X | | | | |
| 210242 | X | | | | |
| 210247 | X | | | | |
| 210354 | X | | | | |
| 210357 | X | | | | |
| 210358 | X | | | | |
| 210388 | X | | | | |
| 210389 | X | | | | |
| 210457 | X | | | | |
| 210539 | X | | | | |
| 210540 | X | | | | |
| 210541 | X | | | | |
| 210542 | X | | | | |
| 210543 | X | | | | |
| 210544 | X | | | | |
| 210545 | X | | | | |
| 210546 | X | | | | |
| 210547 | X | | | | |

| Log Number | Close | Continue | ISC | Hold | Name |
|------------|-------|----------|-----|------|------|
| 210648 | X | | | | |
| 210718 | | X | | | |
| 210870 | X | | | | |
| 210905 | X | | | | |
| 210939 | X | | | | |
| 211013 | X | | | | |
| 211204 | X | | | | |
| | | | | | |
| | | | | | |