

**TEXAS MEDICAL BOARD**  
**MINUTES OF THE**  
**DISCIPLINARY PROCESS REVIEW COMMITTEE**

August 20, 2020 at 9:30 am

Chair, Manuel Quinones, Jr., M.D., called the meeting to order at 10:00 a.m. Other members present were Sharon Barnes, Devinder S. Bhatia, M.D., Robert Gracia, LuAnn Morgan, Jason K. Tibbles, M.D., David G. Vanderweide, M.D., and Sherif Zaafran, M.D. James "Scott" Holliday, D.O. was not in attendance.

Staff members present were Stephen Brint Carlton, J.D. Executive Director, Robert Bredt, M.D., Medical Director, Scott Freshour, J.D., General Counsel 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, 14-0119-A, remain under the management of TXPHP with zero tolerance policy. Motion carried.**

**Ms. Barnes moved and Ms. Morgan seconded that TXPHP Case #2, 17-0133, be returned to the jurisdiction of the Texas Medical Board. Motion carried.**

**Ms. Barnes moved and Dr. Vanderweide seconded that TXPHP Case #3, 18-0168, remain under the management of TXPHP with zero tolerance policy. Motion carried.**

**Dr. Bhatia moved and Ms. Barnes seconded that TXPHP Case #4, 19-0247, be returned to the jurisdiction of the Texas Medical Board. Motion carried.**

**Ms. Barnes moved and Dr. Vanderweide seconded that TXPHP Case #5, 19-0399, remain under the management of TXPHP, with a recommendation for zero tolerance. Motion carried.**

**Dr. Tibbles moved and Ms. Barnes seconded that TXPHP Case #6, 19-0917, 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 fifth meeting in FY2020 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:<sup>3</sup>  
(none)

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

**Ms. Barnes 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 Dr. Vanderweide seconded to approve the appointments of the Expert Panel members as noted in the attachment. Motion carried. DPRC gave direction to staff to allow the use of experts who are in active practice with an active Texas license even if that active practice is not in the state of Texas as long as they meet all other eligibility requirements.**

**DPRC gave direction to staff that if the issue in the complaint is better answered by a physician in another specialty from the specialty practice of the respondent that TMB staff can consider assignment of one expert in that other specialty.**

**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 11:14 am, Dr. Quinones 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 5:41 pm, 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. **19-2301\***, **19-2493\***, 19-3675, **20-3441\*** Investigations: ii. **19-0981 (19-1885)\***, 19-0955 (19-2766) Legal Files B. Jurisdictional-Not-Filed Complaints: **20-3264\***, 20-3306, 20-3713, 20-3742, 20-3823, 20-4856, 20-5001, 20-5358, 20-5536, 20-5547, **20-5903\***, **20-5904\***, 20-5953, 20-6239, 20-6240, 20-6261, 20-6317, 20-6552, 20-6609, 20-6639 C. Non-Jurisdictional Complaint: **None**

**Ms. Morgan moved and Ms. Barnes seconded that the appeal of Item 9.A.i. Log #19-2301 be denied. Motion carried. Direction to staff, send custom letter to respondent.**

**Dr. Vanderweide moved and Ms. Barnes seconded that the appeal of Item 9.A.i. Log #19-2493 be denied. Motion carried. Direction to staff, send custom letter to respondent encouraging physician/patient communication.**

**Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item 9.A.i. Log #20-3441 be granted. Motion carried. Direction to staff, send file to new expert panel to include a vascular surgeon.**

**Dr. Quinones moved and Dr. Zaafran seconded that all remaining appeals under Agenda Item 9.A.i above be denied. Motion carried.**

**Dr. Quinones moved and Ms. Barnes seconded that the appeal of Item 9.A.ii. Log #19-0981 (19-1885) be granted and that staff send the file to the expert panel to get an opinion on the patient's complications. Motion carried.**

**Dr. Zaafran moved and Ms. Morgan seconded that all remaining appeals under Agenda Item 9.A.ii. above be denied. Motion carried.**

**Dr. Zaafran moved and Ms. Morgan seconded that the appeal of Item 9.B. Log #20-3264 be denied. Motion carried.**

**Dr. Quinones moved and Dr. Zaafran seconded that the appeal of Item 9.B. Log #20-5903 be denied. Motion carried.**

**Dr. Quinones moved and Dr. Zaafran seconded that the appeal of Item 9.B. Log #20-5904 be denied. Motion carried.**

**Ms. Morgan moved and Ms. Barnes seconded that the appeal of Item 9.B. Log #20-6552 be denied. Motion carried.**

**Dr. Zaafran moved and Ms. Morgan seconded that the appeal of Item 9.B. Log #20-3713 be granted and that staff obtain information from Respondent about missing records. Motion carried.**

**Dr. Tibbles moved and Ms. Barnes seconded that the appeal of Item 9.B. Log #20-3742 be granted. Motion carried.**

**Dr. Tibbles moved and Ms. Barnes seconded that the appeal of Item 9.B. Log #20-3823 be granted. Motion carried.**

**Dr. Zaafran moved and Ms. Morgan seconded that the appeal of Item 9.B. Log #20-5001 be granted and that staff obtain information from Respondent about missing records. Motion carried.**

**Ms. Barnes moved and Ms. Morgan seconded that all other remaining appeals under Agenda Item 9.B not specifically granted above be denied, with the exception of file #20-6609, which has been rescheduled for the October Board meeting. 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:

**Ms. Barnes moved and Ms. Morgan seconded that follow-up file #20-5418 be dismissed. Motion carried.**

**Ms. Barnes moved and Ms. Morgan seconded that follow-up file #20-5422 be dismissed. Motion carried.**

**Follow-up file #20-7003 was information only. No vote was necessary.**

**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 Ms. Barnes 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.**

**Ms. Morgan moved and Ms. Barnes 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 Ms. Barnes 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.**

**Ms. Barnes moved and Ms. Morgan seconded that all files under Agenda Items 11. 4. files for review be resolved as noted on the individual sign-off sheets. Motion carried.**

**Agenda Item #12 Adjourn.**

**Ms. Morgan moved and Dr. Vanderweide seconded that the meeting adjourn.**

**Motion carried at 6:06 pm.**

**Texas Medical Board  
Disciplinary Process Review Committee  
TXPHP - Participant Case Review  
August 20, 2020**

<b>Case #</b>	<b>Remain with PHP</b>	<b>Accepted by TMB</b>	<b>Continue</b>
<b>1</b>	<b>X</b>		
<b>2</b>		<b>X</b>	
<b>3</b>	<b>X</b>		
<b>4</b>		<b>X</b>	
<b>5</b>	<b>X</b>		
<b>6</b>		<b>X</b>	

**TMB - 5th Meeting August 20, 2020 - Enforcement Activity Report FY 2020**

<b><u>July 2020 Work load</u></b>						
<b><u>Investigations/Complaints</u></b>	<b><u>Jul-20</u></b>	<b><u>FY 2020</u></b>		<b><u>FY2019</u></b>	<b><u>FY2018</u></b>	
Initiated	165	1,766		2,127	2,201	
SOC	81	784		1,015		
Completed	185	2,148		2,226	2,000	
<b><u>Litigation</u></b>						
ISCs	39	438		728	673	
Contested Hearings	0	26		29	29	
Complaints Filed at SOAH	4	34		82	94	
Mediations	1	8		11	22	
Temp. Suspensions	3	50		41	39	
<b><u>Compliance</u></b>						
Probationers	691			687	669	
Drug/Alcohol screens	250	2,729		3,037	2,984	
<b><u>Medical Board Actions</u></b>	<b><u>Jul-20</u></b>	<b><u>FY 2020</u></b>		<b><u>FY 2019</u></b>		
Final Orders	0	2		10		
Defaults	4	7		2		
Agreed Orders	46	126		171		
Exec. Dir. Suspensions	0	1		1		
Susp. by Operaton of Law	0	2		12		
Exec. Dir. Cease & Desist	0	7		3		
Mediations	3	26		36		
Remedial Plans	30	100		108		
Terminations	5	27		45		
Modifications	4	11		15		

### Expert Panel Members for Board Approval August 2020

LAST	FIRST	LIC #	CITY	SPECIALTY
Douglass	Cary	J3085	Austin	Family Practice
Drummond	Shaina	P3709	Dallas	Anesthesiology/Pain Management
Kang	David	P8484	Dallas	Heck & Neck Surgery/Microsurgery
Kelly	Robert	F9658	Fort Worth	Internal Medicine
Mohan	Aparna	L7951	Edinburg	Internal Medicine
Okundaye	Ebima	P1006	Pearland	Internal Medicine
Sanderlin	Damien	L6617	Houston	Family Practice
Selz	Peter	L8501	Sherman	Otolaryngology/Sleep Medicine
Stuckey	Ryan	N6046	Houston	Orthopedic Surgery of the Spine
Takashima	Masayoshi	M2143	Houston	Otolaryngology

### Interim Approval

Heim-Hall	Josephine	K1469	San Antonio	Pathology
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**DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED Total = 60**

**ISC PANEL RECOMMENDATIONS – Texas Medical Board August 20, 2020**

CASE #	CLOSE	CONT.	TO ISC
20-0668	X		
20-0684	X		
20-0688	X		
19-1096	X		
20-0728	X		
20-0803	X		
20-0648	X		
20-0778	X		
20-0645	X		
20-0410	X		
20-0534	X		
20-0786	X		
20-0734	X		
20-0633	X		
20-0175	X		
20-0694	X		
20-0689	X		
20-0677	X		
20-0477	X		
20-0547	X		
19-0734	X		
20-0574	X		
20-0760	X		
20-0476	X		
20-0475	X		
20-0761	X		
20-0834	X		
20-0564	X		
20-0591	X		
20-0607	X		

Total = 30

**COMPLAINTS REVIEWED PURSUANT TO STAFF**

CASE #	CLOSE	CONT.	TO ISC
19-0834	X		
20-0649	X		
20-0823	X		
20-0861	X		
20-0713	X		
20-0821	X		
20-0876	X		
20-0822	X		
20-0796	X		
18-0449	X		
20-0824	X		
20-0701	X		
20-0889	X		
20-0813	X		
20-0870	X		
20-0832	X		
20-0721	X		
20-0714	X		
20-0613	X		
20-0799	X		
20-0810	X		
20-0817	X		

Total = 22

**TXPHP Dismissals**

CASE #	CLOSE	CONT.	TO ISC
20-0560	X		
20-0732	X		
20-0773			X
20-0670	X		

Total = 4

**LEGAL Pre-Investigation Dismissal**

CASE #	CLOSE	CONT.	TO ISC
20-0370	X		
20-0892	X		
20-0853	X		
20-0770	X		

Total = 4

**DPRC August 20, 2020**

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

Total : 306

Log Number	Allegation	Close	Continue	ISC	Hold	Name
166453		X				
174044		X				
174048		X				
184337		X				
186683		X				
187239		X				
187680		X				
187681		X				
187736		X				
187746		X				
188727		X				
188860		X				
188861		X				
188862		X				
189056		X				
189130		X				
190798		X				
191178		X				
191504		X				
192125		X				
192181		X				
192755		X				
192877		X				
193001		X				
193406		X				
193700		X				
193798		X				
193980		X				
194848		X				
194968		X				
195110		X				
195230		X				
196250		X				
196416		X				
196650		X				
197192		X				
197277		X				
197519		X				
197958		X				
198196		X				
198383		X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
198505		X				
198515		X				
200179		X				
200251		X				
200353		X				
200355		X				
200374		X				
200599		X				
200802		X				
200814		X				
200867		X				
200928		X				
201062		X				
201074		X				
201082		X				
201416		X				
201430		X				
201800		X				
201849		X				
201851		X				
201871		X				
201900		X				
202064		X				
202074		X				
202169		X				
202198		X				
202395		X				
202416		X				
202423		X				
202500		X				
202506		X				
202603		X				
202704		X				
202709		X				
202712		X				
202739		X				
202759		X				
202840		X				
202842		X				
202843		X				
202846		X				
202852		X				
202853		X				
202872		X				
202875		X				
202883		X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
202887		X				
202896		X				
202902		X				
202905		X				
202929		X				
202970		X				
202979		X				
202980		X				
203055		X				
203078		X				
203100		X				
203103		X				
203106		X				
203109		X				
203116		X				
203117		X				
203133		X				
203137		X				
203149		X				
203164		X				
203165		X				
203166		X				
203183		X				
203272		X				
203349		X				
203353		X				
203359		X				
203440		X				
203444		X				
203446		X				
203535		X				
203537		X				
203565		X				
203573		X				
203588		X				
203600		X				
203604		X				
203606		X				
203629		X				
203630		X				
203632		X				
203657		X				
203667		X				
203731		X				
203732		X				
203743		X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
203885		X				
203895		X				
203902		X				
203934		X				
203937		X				
203945		X				
203953		X				
203962		X				
203967		X				
203990		X				
203992		X				
203994		X				
204090		X				
204094		X				
204124		X				
204154		X				
204178		X				
204195		X				
204233		X				
204236		X				
204250		X				
204264		X				
204267		X				
204270		X				
204322		X				
204324		X				
204336		X				
204348		X				
204377		X				
204387		X				
204396		X				
204423		X				
204434		X				
204453		X				
204454		X				
204465		X				
204467		X				
204485		X				
204510		X				
204518		X				
204550		X				
204559		X				
204568		X				
204569		X				
204576		X				
204585		X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
204586		X				
204692		X				
204703		X				
204706		X				
204713		X				
204740		X				
204789		X				
204790		X				
204791		X				
204880		X				
204919		X				
204949		X				
205022		X				
205023		X				
205053		X				
205073		X				
205074		X				
205090		X				
205093		X				
205145		X				
205206		X				
205232		X				
205234		X				
205235		X				
205236		X				
205246		X				
205257		X				
205261		X				
205264		X				
205268		X				
205291		X				
205353		X				
205357		X				
205362		X				
205373		X				
205374		X				
205403		X				
205413		X				
205415		X				
205418		X				
205422		X				
205423		X				
205429		X				
205430		X				
205433		X				
205434		X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
205443		X				
205462		X				
205505		X				
205521		X				
205554		X				
205590		X				
205591		X				
205602		X				
205624		X				
205631		X				
205634		X				
205635		X				
205640		X				
205641		X				
205780		X				
205825		X				
205900		X				
205901		X				
205906		X				
205927		X				
205931		X				
205933		X				
205938		X				
205949		X				
205952		X				
205955		X				
206021		X				
206022		X				
206025		X				
206050		X				
206055		X				
206057		X				
206162		X				
206216		X				
206230		X				
206231		X				
206252		X				
206256		X				
206257		X				
206320		X				
206338		X				
206349		X				
206417		X				
206421		X				
206451		X				
206485		X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
206486		X				
206489		X				
206583		X				
206584		X				
206586		X				
206610		X				
206611		X				
206619		X				
206739		X				
206740		X				
206755		X				
206887		X				
206914		X				
206929		X				
206931		X				
206932		X				
206944		X				
206948		X				
206964		X				
207033		X				
207102		X				
207103		X				
207104		X				
207105		X				
207242		X				
207245		X				
207254		X				
207272		X				
207322		X				
207359		X				
207375		X				
207401		X				
207521		X				
208237		X				
208258		X				