



Texas Medical Board

BOARD MEETING
333 GUADALUPE, TOWER 2, SUITE 225
AUSTIN, TEXAS
August 25, 2017

The meeting was called to order on Friday, August 25, 2017 at 8:00 a.m. by Board President, Sherif Zaafran, M.D. Board members present were: Paulette Southard; Julie Attebury; Michael E. Cokinos; Frank S. Denton; Kandace B. Farmer, D.O.; John R. Guerra, D.O.; J. Scott Holliday, D.O.; Jeffrey L. Luna, M.D.; LuAnn Morgan; Jayaram B. Naidu, M.D.; and Surendra K. Varma, M.D. Board members: George Willeford III, M.D.; Carlos L. Gallardo; Margaret McNeese, M.D.; Karl W. Swann, M.D. and Stanley S. Wang, M.D. were absent. Timothy Webb, J.D. arrived at 8:31 a.m. Board staff present were Scott Freshour, J.D., Interim Executive Director; Robert Bredt, M.D., Medical Director, Megan Goode, Governmental Affairs and Public Information Manager, and the Assistant General Counsels Rob Blech, J.D.; Wendy Pajak, J.D.; Amy Swanholm, J.D.; Sarah Tuthill, 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 #3, Report, consideration, and possible action relating to the requirements to pull orders to discuss. Mr. Freshour gave an update on the pulled orders process. The pulled orders process will remain the same going forward with an additional step to contact Board members that an item has been flagged so they have an opportunity to answer questions that arise.

Agenda item #4, Medical Director Report. Dr. Bredt gave an update on the expert panelists. Dr. Bredt requested suggestions for licensed neurological surgery, orthopedic pain management, interventional radiology, cardiologists, pulmonologists and oncologists to contact who might be interested to serve as expert panelists.

Agenda item #5, Consideration and approval of Mediated Settlement Agreed Orders. After consideration, **Dr. Holliday moved, Dr. Varma seconded, and the motion passed to approve the Mediated Settlement Agreed Order for Richard Benavides, M.D.**

After consideration, **Dr. Holliday moved, Mr. Cokinos seconded, and the motion passed to approve the Mediated Settlement Agreed Orders en masse for: Faiz Ahmed, M.D.; William K. Huff, M.D.; Robert E. Windsor, M.D.; Michael S. Escobedo, M.D.; Annie T. Varughese, M.D.; Jose A.E. Lim, M.D., and Christian P. Struven, III, M.D.**

Agenda item #6, Consideration and approval of Remedial Plans. After consideration, **Dr. Varma moved, Dr. Holliday seconded, and the motion passed to approve the Remedial Plan for Carol L. Jacobs, M.D.** Dr. Varma recused from #35, Richard Male, Jr., D.O. After consideration, **Dr. Holliday moved, Mr. Cokinos seconded, and the motion passed to approve the Remedial Plan for Richard Male, Jr, D.O.**

After further consideration, **Dr. Varma moved, Ms. Southard seconded, and the motion passed to approve the Remedial Plans en masse for: Jose G. Acevedo, M.D.; Nadir M. Ali, M.D.; Murad Aslam, M.D.; Maria N. Baird, M.D.; Andrew D. Barreto, M.D.; Yousri M.H. Barri, M.D.; Colby J. Coulson, M.D.; Samuel H. Davis, M.D.; Joseph R. Feste, M.D.; Hanagavadi S. Halaswamy, M.D.; Eduardo Hazarian, M.D.; Ronald A. Hellstern, M.D.; Wanda W. Henao, M.D.; Sireesha Janga, M.D.; Rebecca A. Loreda, M.D., Amer Malas, M.D.; Abeer A. Memon, M.D.; Thinh B. Nguyen, M.D.; Hasa M. Noubani, M.D., Adolfo J. Ordonez, M.D.; Federico P. Padua, M.D.; Charles Schwartz, III, D.O.; Jerald Tennant, M.D.; Jose J. Valle, M.D.; Shelby A. Wyll, M.D.; Beverly A. Zavaleta, M.D; Charles J. Aramburo, M.D.; Michael D. Flores, M.D.; Christian M. Freeman, M.D.; Mark L. Mankins, M.D.; George A. Richardson, M.D.; Shanker S. Sundrani, M.D.; Patrick H. Beckham, M.D.; Saju Joseph M.D.; Mario Perez, D.O., Denise L. Leonard M.D.; Martha M. Martinez, M.D.; Orlando M. Ramirez, M.D.; Ravinderan Krishnan, M.D. and Andrew T. Cavanagh, M.D.**

Agenda item #7, Consideration and possible action for Agreed Board Orders. After consideration, **Dr. Holliday moved, Dr. Farmer seconded and the motion passed to approve the Agreed Order for Rodolfo Fierro-Stevens, M.D.**

After consideration, **Dr. Varma moved, Ms. Southard seconded, and the motion passed to approve the Agreed Order for Lena R. Bruce M.D.**

After consideration, **Dr. Holliday moved, Dr. Luna seconded, and the motion passed to approve the Agreed Order George M. Atallah M.D.**

After consideration, **Dr. Zaafran moved, Ms. Morgan seconded, and the motion passed to approve the Agreed Order for David A. Brickey M.D.**

After consideration, **Dr. Holliday moved, Ms. Southard seconded, and the motion passed to approve the Agreed Order to include chart monitoring for eight cycles for Adam G. Arredondo M.D.**

After consideration, **Dr. Holliday moved, Ms. Southard seconded, and the motion passed to approve the Agreed Orders en masse for: Americo Baca, M.D.; Daniel M. Elwell, D.O; Mark T. Malone, M.D.; Luis E. Zepeda, M.D.; William F. Floyd, M.D.; Leslie W. Benson, M.D.; Kyle L. Hamilton, M.D.; Julian K. Mardock, M.D.; Larry Herrera, M.D.; Agustin Martinez, M.D.; Scott P. Aarons, M.D.; Kenneth E. Baird, M.D.; Vikram Durairaj, M.D.; Mohammad Nawaz M.D.; Vivek-Sagar Patel, M.D.; Frank J. Vittimberga, Jr., M.D.; Jaime D. Sandoval, M.D.; Robert C. Kuhne, M.D.; Henry A. Punzi, M.D.; Ellen Wilson, D.O.;**

Graham J. Emslie, M.D.; David E. Tomaszek , M.D.; Anisha Waxali, M.D.; Nir S. Binur, M.D.; Eric P. Chiang, M.D.

Agenda item #8, Consideration and approval of Modifications Request/ Termination Request Orders. After consideration, Dr. Varma moved, Ms. Southard seconded, and the motion passed to approve the Termination Request Orders Denied for: George A. Brooks, M.D.; the Modification Request Order Denied for: Izzeldeen B. Elhage, M.D.; the Modification Request Order Granted for: Ajay Aggarwal, M.D.; the Termination Request Granted Orders for: Mohammed R. Alnajjar,, M.D.; Mark B. Buckner, M.D.; Gregory B. Cartwright, M.D.; Shawna M. Deeves, M.D.; Shaun B. Kelehan, M.D. and Carlos O. Mayo, M.D. and the Termination Request Suspension for Ronald Fraser, M.D.

Agenda item #9, Consideration and approval of Cease and Desist Agreed Orders. After consideration, Ms. Southard moved, Ms. Morgan seconded, and the motion passed to approve the Agreed Cease and Desist Order for Katinca L. Hunter; Amjed I. Masri; Tesina Painter; Mark Randall and Kimberly M. Wilson.

Agenda item #10, Consideration and approval of Nunc Pro Tunc Orders. After discussion, Dr. Varma moved, Ms. Southard seconded, and the motion passed to approve the Nunc Pro Tunc Orders for Anik T. Bangale, M.D.

Agenda item #12, Discussion, recommendation, and possible action regarding proposed amendments and rule review to the following Chapters in Title 22 of the Texas Administrative Code:

- a.Chapter 174, Telemedicine**
- b.Chapter 178, Complaints**
 - §178.3, Complaint Procedure Notification**
- c.Chapter 190, Disciplinary Guidelines**
 - §190.8(1)(L), Violation Guidelines**

Mr. Freshour gave a brief summary of proposed amendments. After discussion, **Mr. Denton moved, Ms. Southard seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 174, Telemedicine, for publication in the Texas Register.**

Mr. Freshour gave a brief summary of proposed amendments. After discussion, **Mr. Denton moved, Ms. Morgan seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 178, Complaints, §178.3, Complaint Procedure Notification for publication in the Texas Register.**

Mr. Freshour gave a brief summary of proposed amendments. After discussion, **Mr. Denton moved, Ms. Southard seconded, and the motion passed to approve proposed amendments to 22 T.A.C. Chapter 190, Disciplinary Guidelines, §190.8(1)(L), Violation Guidelines for publication in the Texas Register.**

The board recessed at 9:24 a.m.
The board reconvened at 9:35 a.m.

Agenda item #2, Board Member Report. Dr. Zaafran presented a plaque and read a Board Resolution in honor of Michael Arambula, M.D., Pharm.D. expressing the board's appreciation for his exemplary service as Board President.

Agenda Item #11 at 9:30 a.m., Consideration and approval of Proposal for Decisions:

1. Obianuju Aluka, MD, SOAH # 503-16-3046.MD. Ms. Tuthill gave a brief procedural background. Claudia Kirk, J.D., staff attorney, was present. Obianuju Aluka, MD, was present. Rodney Montes J.D. was present representing Dr. Aluka. Mr. Montes gave a presentation. Dr. Aluka gave a presentation. Ms. Kirk gave a presentation. **Mr. Webb moved, Ms. Southard seconded, and the motion passed to go into Executive Session at 10:17 a.m. for private consultation and 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 .008, 164.007(c), and 164.202 & .203, Occupations Code.** Open session resumed at 10:46 a.m. and it was announced that no action was taken. A certified agenda was made. After discussion, **Mr. Webb moved, Dr. Farmer 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 Obianuju Aluka, M.D., and to reject the staff's suggested final order filed by Board staff and issue a final order issuing a remedial plan, granting a full and unrestricted license with the condition of completing the UT coaching program to include 8 hour Continuing Medical Education of professionalism and ethics.**

2. Judson J. Somerville, M.D., SOAH # 503-15-3604.MD. Ms. Swanholm gave a brief procedural background. Barbara Jordan, J.D., staff attorney, was present. **Judson J. Somerville, M.D.,** was present (by telephone due to weather). Jack Simon, J.D. was present representing Dr. Simonson (by telephone due to weather). Ms. Jordan gave a presentation. Mr. Simon gave a presentation. Ms. Jordan gave a brief rebuttal. After discussion, **Mr. Webb moved, Mr. Cokinos seconded, and the motion passed to go into Executive Session at 11:19 a.m. for private consultation and 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 .008, 164.007(c), and 164.202 & .203, Occupations Code.** Open session resumed at 11:27 a.m. and it was announced that no action was taken. A certified agenda was made. After discussion, **Ms. Morgan moved, Ms. Southard 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 Judson J. Somerville, M.D., and to approve the staff's suggested final order filed by Board.**

3. Kenneth Ray Phillips, D.O., SOAH #503-15-4667.DO Mr. Blech gave a brief procedural background. Heather Barham, J.D., staff attorney, was present. Kenneth Ray Phillips, D.O. was not present. No one was present to represent Dr. Phillips. Ms. Barham gave a presentation. Ms. Barham gave presentation. After discussion, **Ms. Attebury moved, Ms. Southard 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 Kenneth Ray Phillips, D.O., and to approve the staff's suggested final order filed by Board staff, but adopt with the additional finding that Respondent is an imminent threat to the public, so the PFD is effective immediately.

Consent Agenda

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

- 1. Consideration and approval of the June 16, 2017 Board Meeting Minutes and action items. Ms. Southard moved, Mr. Webb seconded, and the motion passed to approve the June 16, 2017 Board Meeting Minutes.**
- 2. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting. Ms. Southard moved, Mr. Webb seconded, and the motion passed to approve the minutes and action items of the committee during the board meeting.**

Agenda item #19 and #20 will be sent to Board members and others will be deferred until next meeting in October.

Agenda item #40, Adjourn. There being no further agenda items, adjourn at 1:00 p.m.