



Texas Medical Board

BOARD MEETING

August 21, 2020

Video Conference

The meeting was called to order on Friday, August 21, 2020 at 8:08 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Kandace B. Farmer, D.O., Vice-President; Michael E. Cokinos, Sec/Treasurer; Arun Agarwal; Sharon Barnes; Devinder S. Bhatia, M.D.; George L. DeLoach, D.O.; Tomeka Herod; Roberto D. Martinez, M.D.; LuAnn R. Morgan; Jayaram N. Naidu, M.D.; Satish Nayak, M.D.; Manuel "Manny" Quinones, Jr., M.D.; Jason K. Tibbels, M.D. and David G. Vanderweide, M.D. Board members not present were Robert Gracia; J. Scott Holliday, D.O., MBA; Jeffrey L. Luna, M.D.; and Linda Molina, J.D. Staff members present were Stephen Brint Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Brett, M.D., Medical Director; and various other staff. *Roberto D. Martinez and J. Scott Holiday, D.O., MBA joined meeting at 8:20 a.m. and left the meeting after Agenda Item #2; George L. DeLoach, D.O. joined the meeting by 8:24 a.m.*

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.

COVID-19 Update. Dr. Zaafran gave an overview and update on COVID-19 and how it has affected TMB: expansion of telemedicine; expedited emergency licensure; emergency licensing rules; license renewal and continuing education extensions for all TMB license holders. No action was taken.

Agenda Item #3, Consideration and approval of Mediated Settlement Agreed Orders. After discussion, **Dr. Quinones moved, Ms. Barnes seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Antonio Manuel Diaz, Jr., M.D.; Gene N. Barry, M.D.; Douglas Lee Kruckner, M.D.; Carlos D. Kugler, M.D.; Michael B. Rankin, M.D.; Lloyd Faust Mercer, Jr., M.D; and Raul Dario Isern, Jr., M.D.**

Agenda Item #4, Consideration and approval of Remedial Plans.

After consideration, **Ms. Barnes moved, Dr. Quinones seconded, and the motion passed to approve the Remedial Plans for Joseph David Khoury, M.D.; Jennifer Gail Sinclair Liedtke, M.D.; Thao Minh Truong, M.D.; Xuecheng Wang, M.D.; Matthew Frederick McCarty, M.D.; Donald Ervin Baxter, M.D.; Andrew Hamill, D.O.; Kenneth Barry Johnson, M.D.; Natasha Takayasu Jones-Dobbins, D.O.; Davida Elizabeth Manor, M.D.; Jeffrey Scott Miller, M.D.; Laszlo Nagy, M.D.; Muhammad Tahir Subhani, M.D.; Samantha Flor Tschen, M.D.; Victor**

D. Vela, M.D.; James C. Boone, M.D.; Jerome O. Carter, M.D.; Demetria Michele Smith, M.D.; Jeff W. Fidone, M.D.; Omid Ghalambor, M.D.; Joel Alan Holiner, M.D.; and Cwanza A. Pinckney, M.D.

Agenda Item #5, Consideration and possible action for Agreed Orders. After consideration, **Dr. Nayak moved, Mr. Agarwal seconded, and the motion passed to approve the Agreed Orders for Kenneth Colvin Sherman, Jr., M.D.; Donald William Ferguson, II, M.D.; Megan Kendra Way, M.D.; Naiyer Imam, M.D.; Oyetunde Siyanbade, M.D.; Irina Vitalyevna Borissova, M.D.; Joshua Robert Loucks, M.D.; Ghyasuddin Syed, M.D.; Alejandro J. Betancourt, M.D.; Jorge Guerrero, M.D.; John Gordon Johnson, D.O.; Dale Leonard Messer, M.D.; Younan Nawzaradan, M.D.; Andrea K. Parde, M.D.; and Bernadete U. Iguh, M.D.** Dr. Martinez recused from Alejandro J. Betancourt, M.D.

Agenda Item #6, Consideration and approval of Modification Request/Termination Request Orders. After consideration, **Ms. Barnes moved, Ms. Morgan seconded, and the motion passed to approve the Modification Request/Termination Request Orders for Mary Gwen Gorman, M.D.; Robert Gerard Jakubowski, M.D.; Jessica Marie Nelson, M.D.; Ralph A. Brooks, M.D.; George M. Kiss, M.D.; Larry D. Brown, M.D.; and Asim Aijaz, M.D.** Dr. Quinones recused from Robert Gerard Jakubowski, M.D.

Agenda Item #2, Board Member Report.

Presentation to Dr. Holliday. Dr. Zaafran gave a speech and presented resolutions and a plaque to Dr. Holliday as he prepares to leave the Medical Board after 11 years of service.

Dr. Holliday logged out of the meeting at 8:38 a.m.

There were no items for agenda item #7.

Agenda Item #8, Consideration and Approval of Cease and Desist Orders. After discussion, **Ms. Morgan moved, Ms. Barnes seconded, and the motion passed to approve the Cease and Desist Orders for D Elliot Draluck, D.C.; and Jeffrey Murray Hockings, D.C.**

There were no items for agenda items #9-11.

Agenda Item #12, at 8:40 a.m., Consideration and approval of Determinations of Default.

- a) **Paul Claunch Brindley, M.D., SOAH #503-20-1696.MD** Claudia Kirk, J.D., Staff Attorney, was present and gave a brief presentation. Dr. Brindley was not present, and no one appeared on his behalf. After discussion, **Ms. Barnes 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 Determination for Default for Paul Claunch Brindley, M.D., and to adopt the staff's suggested Default Order for revocation.**

There were no items for agenda item #13

Agenda Item # 14 Executive Director Report.

Budget Update. Mr. Carlton reported budget is doing well. The state has mandated that each agency to come up with a 5% reduction in the biennium budget. TMB is currently freezing ten vacant positions throughout the agency. No action was taken on this agenda item.

Internal Audit Update. Mr. Carlton reported that the Registrations Process Internal Audit for FY2020 has been completed and was satisfactory. No action was taken on this agenda item.

COVID-19 Update. Mr. Carlton gave update on agency processes and procedures given the global pandemic of coronavirus. Most staff are working from home with at least 25% going into the office at least one day a week. After September 1, 2020, the mandate for most staff to work from home is lifted. No action was taken on this agenda item.

Agenda Item #15, Medical Director Report. Dr. Bredt reported that there are now nearly 750 expert panelists, with the 11 approved in the Disciplinary Process Review Committee (DPRC) Meeting on August 20, 2020. Experts must actively practice medicine; it doesn't have to be in the State of Texas and must be actively licensed in the State of Texas. There is still need for experts in psychiatry, pulmonary medicine, sleep medicine and critical care specialty, and endocrinology. No action was taken on this agenda item.

Agenda Item #16, Public Information Update. Ms. Randermann reported that information on the new CME requirements related to opioids and human trafficking is now posted on the website. She is working on the next TMB bulletin to go out in September 2020. Ms. Swanholm reported TXPHP Presiding Officer, Dr. Mehendale, and TMB President, Dr. Zaafran, will be working together to provide information and resources to physicians about wellness and stress management to assist with challenges they may be facing in regard to COVID-19. No action was taken on this agenda item.

Agenda Item #17, Report Physician Assistant Liaison. No one was present on behalf of the Physician Assistant Board to provide a report. No action was taken on this agenda item.

Agenda Item #18, Consideration and possible action regarding pending litigation.

Executive Session. 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. **Dr. Bhatia moved, Dr. Quinones seconded, and the motion passed to move into Executive Session and the meeting was closed to the public at 9:14 a.m.**

Executive Session adjourned and the board meeting reopened to the public at 9:59 a.m. Roll call was taken, and a quorum was met. *Board members not present were Robert Gracia; J. Scott Holliday, D.O., MBA; Jeffrey L. Luna, M.D.; and Linda Molina, J.D.*

Mr. Freshour gave an update on pending litigation. No action was taken on this agenda item.

Agenda Item #19, Report of Temporary Suspension Hearings. A report on Temporary Suspensions was provided. No action was taken on this agenda item.

There were no items for agenda items #20-21.

Agenda Item #22, Report on Cease and Desist Orders approved by Executive Director. A report on Cease and Desist Orders approved by the Executive Director was provided. No action was taken on this agenda item.

Agenda Item #23, Report on Automatic Revocation Letters by Executive Director. A report on Automatic Revocation Letters by the Executive Director was provided. No action was taken on this agenda item.

Agenda Item #24, Report on Automatic Orders. A report on Automatic Orders was provided. No action was taken on this agenda item.

There were no items for agenda items #25-27.

Agenda Item #28, Discussion, Recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C., Part 9, Texas Medical Board.

- Chapter 183, Acupuncture
§183.20 - Continuing Acupuncture Education
- Chapter 184, Surgical Assistants
§184.25 – Continuing Education
- Chapter 185, Physician Assistants
§185.6 – Biennial Renewal of License
- Chapter 186, Respiratory Care Practitioners
§186.10 – Continuing Education Requirements
- Chapter 188, Perfusionists
§188.24 – Continuing Education
- Chapter 194, Medical Radiologic Technology
§194.7 – Renewal of Certificate or Placement on the Board’s Non-Certified Technician Registry

Mr. Carlton reported we’re holding off on the rules listed. They are currently awaiting review per the Governor’s Office.

Discussion, recommendation, and possible action regarding adoption of *emergency* rule amendments to 22 T.A.C. 174.5, Issuance of Prescriptions. After discussion, **Dr. Quinones moved, Dr. Vanderweide seconded, and the motion passed to adopt emergency proposed rule amendment to 22 T.A.C. 174.5, Issuance of Prescriptions.**

There were no items for agenda items #29-34.

CONSENTAGENDA

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

After Consideration, **Mr. Cokinos moved, Dr. Quinones seconded, and the motion passed to approve the Consent Agenda items:**

- 1. Consideration and approval of the June 12, 2020 Medical Board Meeting Minutes and action items.**
- 2. Consideration and approval of the July 1, 2020 Emergency Executive Committee minutes and action items.**
- 3. Consideration and approval of the August 10, 2020 Executive Committee minutes and action items.**
- 4. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.**

Agenda Item #35, 10:16 a.m., Open Forum for Public Comment. Public comments were given by Sheila Hemphill; C.M. Schade, M.D., PhD, PE; Tomas Caquias; and Rep. Bill Zedler.

There were no items for agenda item #36.

Agenda Item #37, Adjourn. There being no further agenda items, **Dr. Quinones moved, Dr. Vanderweide seconded, and the motion passed to adjourn the meeting at 11:02 a.m.**