

TEXAS MEDICAL BOARD
MINUTES OF THE
DISCIPLINARY PROCESS REVIEW COMMITTEE
August 23, 2018

Acting Chair James “Scott” Holliday, D.O., called the meeting to order at 9:53 a.m. Other members present were Sherif Z. Zaafran, M.D., Sharon Barnes, LuAnn Morgan, Manuel “Manny” Quinones, Jr., M.D., David G. “Dave” Vanderweide, M.D., Surendra K. Varma, M.D., and Robert Gracia. Not in attendance, Margaret C. McNeese, M.D. Kerri L. Crosby, P.A., Physician Assistant Board liaison attended the meeting.

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 (PHP).

It was announced by Mr. Karney that there were no TXPHP cases to be presented to the DPRC under Agenda Item #2.

Agenda Item #3. Reports and discussion regarding Texas Physician Health Program.

This was an informational report item only and no action was taken and no vote was necessary.

Agenda Item #4. Discussion, recommendation, and possible action regarding renewals involving impaired licensees.

Mr. Carlton presented one impaired licensee for renewal to the DPRC. Dr. Varma moved and Ms. Barnes seconded that the renewal be granted subject to an Independent Medical Evaluation (IME), approved by the Executive Director, demonstrating no impairment issue(s). Motion carried.

Agenda Item #5. Reports and discussion regarding the Investigation, Litigation, and Compliance Departments.

Mr. Freshour presented the new one page Enforcement Report for July 2018, a copy of which is attached. Direction was given for additional years be included in the FY Cumulative Report and to change the format to an Excel spreadsheet. This was an report item only and no action was taken and no vote was necessary.

Agenda Item #6. Discussion, recommendation, and possible action regarding Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code:³

It was announced by Mr. Carlton that there were no proposed rules to be presented to the DPRC under Agenda Item #6.

Agenda Item #7. Review, discussion, and possible action regarding review of probationer's appearances.

Ms. Barnes moved and Ms. Morgan seconded that the waiver of appearance as presented on Agenda Item #7 be approved. Motion carried.

Agenda Item #8. Consideration and approval of membership of the Expert Physician Panel.

Dr. Varma moved and Dr. Zaafran seconded to approve the appointments of 17 out of the 18 Expert Panel members as noted. Motion carried.

Agenda Item #9. Reports and discussion regarding cases over one year old.

Mr. Carlton presented to the DPRC the current status of cases that are over one year old. This was an informational item only and no vote was necessary.

At 10:30 am, Dr. Holliday moved and Dr. Zaafran 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 3:44 pm, and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.

Agenda Item #10. Review, discussion, and possible action regarding appeals of dismissed - complaints. A. Jurisdictional Complaints: i. 17-7532, 18-2867, 18-3296, Investigations: ii. Legal Files 18-0076 (17-3372), B. Jurisdictional-Not-Filed Complaints: 17-3782, 17-7921, 18-2042, 18-2445, 18-3967, 18-3999, 18-4543, 18-4576, 18-4913, 18-5004, 18-5089, 18-5167, 18-5412, 18-5469, 18-5597, 18-5623, 18-5650, 18-5664, 18-5809, 18-5902, 18-5983, 18-6228, 18-6232, 18-6233, 18-6262, 18-6315, 18-6538, 18-6571, 18-6923, 19-6932, 18-7020, C. Non-Jurisdictional Complaint: 18-6489

Dr. Zaafran moved and Dr. Quinones seconded that the appeal of Item 10.A.i. Log #18 2867 be denied. Motion carried.

Dr. Varma and Dr. Vanderweide seconded that all appeals under Agenda Item 10.A.i. not specifically granted above, be denied. Motion carried.

Dr. Varma moved and Ms. Morgan seconded that the appeals under Agenda Item 10.A.i.i. be denied.

Dr. Quinones moved and Dr. Zaafran seconded that the appeal of Item 10.B, Log #18-3999 be denied. Motion carried.

Dr. Zaafran moved and Dr. Varma seconded that the appeal of Item 10.B, Log #18-4543 be denied. Motion carried. Dr. Holliday recused himself from any discussion on this case and abstained from the vote.

Dr. Varma moved and Dr. Vanderweide seconded that the appeal of Item 10.B, Log #18-4576 be granted. Motion carried.

Dr. Quinones moved and Dr. Varma seconded that the appeal of Item 10.B, Log #18-5412 be denied. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that the appeal of Item 10.B, Log #18-5809 be granted. Motion carried.

Dr. Vanderweide moved and Ms. Barnes seconded that the appeal of Item 10.B, Log #18-6538 be denied. Motion carried.

Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item 10.B, Log #18-5902 be granted. Motion carried.

Dr. Zaafran moved and Ms. Morgan seconded that the appeal of Item 10.B, Log #18-5983 be granted. Motion carried.

Dr. Varma moved and Dr. Vanderweide seconded that all other appeals under Agenda Item 10.B, not specifically granted above, be denied with the exception of Log #17-7921, which has been rescheduled. Motion carried.

Ms. Barnes moved and Dr. Varma seconded that the appeals under Agenda Item 10.C be denied. Motion carried.

Agenda Item #11. 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 Ms. Barnes seconded that follow-up file #17-1800 be dismissed. Motion carried.

Dr. Zaafran moved and Dr. Quinones seconded that follow-up file #18-4614 be dismissed. Motion carried.

Agenda Item #12. Review, discussion, and possible action regarding selected files and cases.

Dr. Vanderweide moved and Dr. Quinones seconded that all files under Agenda Item 12 QA rejected Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that all files under Agenda Item 12 QA rejected Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. Zaafran moved and Dr. Quinones seconded that SOAH Legal case 18-0266 be approved for dismissal. Motion carried.

Ms. Barnes moved and Dr. Quinones seconded that all files under Agenda Item 12 Non Standard of Care files be resolved as noted on the individual sign-off sheets. Motion carried.

Dr. Varma moved and Ms. Morgan seconded that all files under Agenda Items 12 Standard of Care files for review be resolved as noted on the individual sign-off sheets. Motion carried.

Agenda Item #13 Adjourn.

Dr. Holliday moved and Ms. Morgan seconded that the meeting adjourn.

Motion carried at 4:03 p.m.

Expert Panel Members for Board Approval August 2018

LAST	FIRST	LIC #	CITY	SPECIALTY
Bhende	Kishor	Q6496	Lubbock	Pediatric Oncology
Chang	Peter	M5094	Sugarland	Plastic Surgery
Dinkins	Richard	N8642	Frisco	Family Medicine
Hah	Wilbur	J0832	Orange	Cosmetic Surgery
Hallbauer	Gregg	L2299	Conroe	Family Medicine
Hegde	Sanjay	L0254	Austin	Anesthesiology
Jiang	Zi Yang	N8935	Houston	Otolaryngology
Jude	Jordan	N0147	San Antonio	Neuro Surgery
Koneru	Suresh	K0874	San Antonio	Plastic Surgery
Memon	Rehan	P6037	Houston	Pain Management
Mijares	Daniel	L3754	Dallas	Internal Medicine
Nguyen	David	L9393	Houston	Pain Management
Ummat	Monika	P7589	Houston	Child Neurology
Ven Huizen	Vanessa	M5562	Round Rock	Family Medicine
Warman	Jeffrey	J2837	San Antonio	Pediatric Ortho Surgery
Zavala	Gerardo	M9760	San Antonio	Neuro Surgery
Interim Approval				
Al-Rahawan	Mohamad	Q1551	Lubbock	Pediatric Oncology

DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED**ISC PANEL RECOMMENDATIONS –** Texas Medical Board August 23, 2018**ISC Dismissal's**

CASE # CLOSE CONTINUE TO ISC

18-0580	X		
18-0207	X		
18-0416	X		
18-0635	X		
18-0455	X		
18-0577	X		
18-0550	X		
18-0667	X		
18-0412	X		
18-0813	X		
18-0529	X		
18-0661	X		
18-0627	X		
18-0514	X		
18-0526	X		
18-0597	X		
18-0660	X		
18-0637	X		
18-0504	X		
18-0558	X		
18-0494	X		
18-0440	X		
18-0555	X		

Total = 23

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE # CLOSE CONTINUE TO ISC

18-0649	X		
18-0609	X		
18-0687	X		
18-0726	X		
16-0258	X		

16-0469	X		
18-0452	X		
18-0557	X		
18-0571	X		
18-0490	X		
18-0625	X		
18-0528	X		
17-1043	X		
18-0812	X		
18-0884	X		
16-0334	X		

Total = 16

SOAH Case Dismissals (To be reviewed by full committee)

CASE # CLOSE CONTINUE TO ISC

18-0266	X		
---------	---	--	--

Total = 1

TXPHP Dismissals

CASE # CLOSE CONTINUE TO ISC

17-1126	X		
18-0360	X		
18-0559	X		
180071	X		
18-0029	X		
18-0769	X		

Total = 6

AUGUST 2018 DPRC

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

Total : 191

Log Number	Allegation	Close	Continue	ISC	Hold	Name
171790	164.052(A)(5)	X				
171800	164.051(A)(6)	X				
173015	164.052(A)(5)	X				
174047	164.053(A)(1)	X				
175830	151.002(A)(13)	X				
175961	164.052(A)(5)	X				
176519	164.052(A)(4)	X				
177628	164.051(A)(6)	X				
177902	164.051(A)(3)	X				
178043	164.051(A)(6)	X				
180002	164.051(A)(6)	X				
180206	164.053(A)(8)	X				
180272	164.053(A)(1)	X				
180505	164.051(A)(6)	X				
180548	164.051(A)(6)	X				
180720	164.052(A)(5)	X				
180752	164.051(A)(6)	X				
180783	164.051(A)(6)	X				
181006	164.051(A)(6)	X				
181010	164.051(A)(6)		X			
181143	164.052(A)(5)	X				
181221	164.052(A)(5)	X				
181282	164.051(A)(6)			X		
181323	164.051(A)(6)	X				
181354	164.051(A)(9)	X				
181392	164.051(A)(6)	X				
181397	164.051(A)(6)	X				
181481	164.051(A)(6)	X				
181624	164.051(A)(7)	X				
181653	164.051(A)(6)	X				
181731	164.052(A)(5)	X				
181849	164.052(A)(5)	X				
181864	164.051(A)(4)(C)	X				
181896	164.051(A)(6)	X				
181920	164.051(A)(6)	X				
181970	164.051(A)(6)	X				
181981	164.051(A)(6)	X				
182017	164.051(A)(6)	X				
182047	164.051(A)(6)	X				
182070	164.052(A)(5)	X				
182081	164.052(A)(5)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
182117	164.051(A)(6)	X				
182134	164.051(A)(9)	X				
182136	164.051(A)(6)	X				
182177	164.051(A)(6)	X				
182185	164.052(A)(5)	X				
182198	105.002(B)	X				
182249	164.052(A)(5)	X				
182281	164.051(A)(6)	X				
182284	164.052(A)(5)	X				
182288	164.051(A)(6)	X				
182379	164.051(A)(6)	X				
182397	164.052(A)(5)	X				
182402	164.051(A)(6)	X				
182427	164.051(A)(6)	X				
182447	164.051(A)(6)	X				
182508	164.051(A)(6)	X				
182559	164.051(A)(9)	X				
182564	164.051(A)(6)	X				
182577	159.002	X				
182579	164.051(A)(6)	X				
182591	164.051(A)(6)	X				
182596	164.051(A)(6)	X				
182636	164.051(A)(6)	X				
182672	164.051(A)(6)	X				
182732	164.051(A)(6)	X				
182784	164.051(A)(6)	X				
182817	164.051(A)(6)	X				
182837	105.002(B)	X				
182863	164.051(A)(6)	X				
182872	164.051(A)(6)	X				
182899	164.051(A)(6)	X				
182920	164.052(A)(5)	X				
182953	164.051(A)(9)	X				
182964	164.051(A)(6)	X				
182965	164.051(A)(6)	X				
182967	164.052(A)(5)	X				
183046	164.051(A)(3)	X				
183052	164.051(A)(6)	X				
183070	164.052(A)(5)	X				
183097	164.051(A)(6)	X				
183139	164.053(A)(6)	X				
183159	164.052(A)(5)	X				
183174	164.051(A)(6)	X				
183236	164.052(A)(5)	X				
183250	164.051(A)(6)	X				
183258	164.051(A)(6)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
183265	164.051(A)(7)	X				
183290	164.051(A)(6)	X				
183291	164.051(A)(6)	X				
183316	164.052(A)(5)	X				
183370	164.051(A)(6)	X				
183401	164.053(A)(6)	X				
183429	151.002(A)(13)	X				
183474	105.002(B)		X			
183483	164.051(A)(6)	X				
183497	164.052(A)(17)	X				
183521	164.051(A)(6)	X				
183522	164.051(A)(6)	X				
183524	164.051(A)(6)	X				
183534	164.051(A)(6)	X				
183554	164.052(A)(5)	X				
183556	164.051(A)(6)	X				
183557	164.051(A)(6)	X				
183564	164.053(A)(6)	X				
183587	164.053(A)(6)	X				
183609	164.051(A)(6)	X				
183610	164.051(A)(6)	X				
183642	164.053(A)(6)	X				
183659	164.053(A)(8)	X				
183660	164.051(A)(6)	X				
183662	164.052(A)(5)	X				
183680	159.002	X				
183721	164.051(A)(6)	X				
183735	164.051(A)(6)	X				
183763	164.051(A)(3)	X				
183799	164.051(A)(6)	X				
183802	159.002	X				
183805	164.052(A)(5)	X				
183808	164.052(A)(5)	X				
183809	164.052(A)(17)	X				
183810	151.002(A)(13)	X				
183811	151.002(A)(13)	X				
183814	164.051(A)(6)	X				
183842	164.052(A)(5)	X				
183858	164.051(A)(6)	X				
183878	164.053(A)(1)	X				
183888	164.051(A)(6)	X				
183908	164.051(A)(6)	X				
183915	164.053(A)(1)	X				
183982	164.053(A)(5)	X				
183989	164.051(A)(6)	X				
183993	164.051(A)(6)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
183995	164.051(A)(6)	X				
184057	105.002(B)	X				
184113	164.051(A)(6)	X				
184114	164.053(A)(6)	X				
184183	164.053(A)(6)	X				
184220	164.051(A)(6)	X				
184257	164.051(A)(6)	X				
184269	101.201		X			
184284	164.052(A)(5)	X				
184336	164.051(A)(6)	X				
184354	164.052(A)(5)	X				
184365	101.201	X				
184453	164.053(A)(8)	X				
184503	164.051(A)(6)	X				
184541	151.002(A)(13)	X				
184549	164.051(A)(6)	X				
184570	164.052(A)(5)	X				
184586	164.053(A)(1)	X				
184614	164.051(A)(6)	X				
184620	164.052(A)(5)	X				
184657	164.051(A)(6)	X				
184708	164.051(A)(6)	X				
184710	164.051(A)(6)	X				
184792	105.002(B)	X				
184805	164.051(A)(6)	X				
184808	164.051(A)(6)	X				
184894	151.002(A)(13)	X				
184969	164.051(A)(6)	X				
184992	164.052(A)(5)	X				
185053	164.051(A)(8)	X				
185291	164.052(A)(13)	X				
185304	164.052(A)(5)	X				
185347	164.053(A)(1)	X				
185492	159.006	X				
185504	164.053(A)(1)	X				
185610	162.0021	X				
185612	162.0021	X				
185613	162.0021	X				
185654	164.053(A)(8)	X				
185775	101.201	X				
185858	603.401	X				
185975	164.052(A)(5)	X				
186036	164.051(A)(3)	X				
186088	164.051(A)(6)	X				
186093	151.002(A)(13)	X				
186121	164.051(A)(4)(D)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
186244	164.052(A)(5)	X				
186340	164.052(A)(5)	X				
186372	151.002(A)(13)	X				
186601	164.051(A)(4)(C)	X				
186664	164.052(A)(5)	X				
186746	164.052(A)(5)	X				
186810	164.053(A)(1)	X				
186827	164.051(A)(6)	X				
186829	164.051(A)(6)	X				
186847	164.051(A)(6)	X				
186848	164.051(A)(6)	X				
186861	151.002(A)(13)	X				