

**TEXAS MEDICAL BOARD**  
**MINUTES OF THE**  
**DISCIPLINARY PROCESS REVIEW COMMITTEE**  
October 14, 2021 9:30 am

Chair, Manuel Quinones, Jr., M.D., called the meeting to order at 10:05 a.m. Other members present were Devinder S. Bhatia, M.D., Ada Booth, M.D., Robert Gracia, LuAnn Morgan, Jason K. Tibbles, M.D., David G. Vanderweide, M.D. and Sherif Zaafran, M.D. James S. Distefano, D.O was not in attendance. Ms. Barnes joined the meeting at 11:00 a.m. Dr. Bhatia left the meeting at 12:15 p.m.

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).

**Dr. Tibbles moved and Dr. Vanderweide seconded that TXPHP Case No. 17-0376-A, TXPHP Case No. 21-0205 , and TXPHP Case No. 21-0607, remain under the management of TXPHP. Motion carried.**

**At 10:22 am, Dr. Quinones moved and Ms. Morgan 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 11:14 am, and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.**

**Agenda Item #3.** Review, discussion, and possible action regarding selected files and cases.

**Reports on warning letters and criminal cases reviewed related to the Pre-Investigative Process were presented by Mr. Palazola. This was an informational item only and no vote was necessary.**

**Ms. Morgan moved and Mr. Gracia 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. Morgan moved and Dr. Vanderweide 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 Dr. Tibbles 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.**

**Mr. Gracia moved and Ms. Morgan 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 recused herself for 21-0467 and 21-0541.**

**Agenda Item #4.** Discussion, recommendation, and possible action regarding renewals involving impaired licensees. (none)

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

**Mr. Carlton presented the Enforcement Activity Report for the First meeting in FY2022 a copy of which is attached. This was an informational item only 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:<sup>3</sup>  
(none)

**Agenda Item #7.** Review, discussion, and possible action regarding review of probationer's appearances. (none)

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

**Dr. Zaafran moved and Ms. Barnes seconded to approve the appointments of the Expert Panel members as noted in the attachment. Motion carried.**

**Agenda Item #9.** 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.**

**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. Morgan moved and Dr. Vanderweide seconded that follow-up file #21-8382 be dismissed. Motion carried.**

**At 11:49 am, Dr. Quinones moved and Ms. Morgan 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 4:51 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 appeals of dismissed complaints. A. Jurisdictional Complaints: i. **20-9118\***, 21-0891, 21-1283, 21-1764, **21-2229\***,

21-2266, 21-2863, 21-3000, 21-3081, 21-3919, 21-4056 ii. **20-0602\*** B. Jurisdictional-Not-Filed Complaints: 11-8178, 17-6228, 19-8724, 21-1737, 21-4321, **21-4769\***, **21-5086\***, 21-5305, 21-5491, 21-5871, 21-6252, 21-6271, 21-6395, 21-6452, 21-6596, 21-6619, 21-6668, **21-6694\***, 21-6699, 21-6829, 21-6839, 21-6854, 21-6864, **21-6904\***, 21-6914, 21-7217, 21-7384, 21-7388, 21-7394, 21-7433, 21-7523, 21-7528, 21-7658, 21-7756, 21-7759, 21-7860, 21-7880, 21-8157 C. Non-Jurisdictional Complaints: None

**Dr. Tibbles moved and Ms. Barnes seconded that the appeal of Item 11.A.i. Log #20-9118 be granted. Motion carried. Direction to staff: Have expert panel review whether volume and hemodynamics appropriate, considering the events on August 19<sup>th</sup> and 2<sup>st</sup>. Staff is to further review other physicians or ancillary personnel that may need to be evaluated with respect to involvement in patient's care during time period at issue.**

**Item 11.A.i. Log #21-2229 was rescheduled for December Board Meeting.**

**Mr. Gracia moved and Dr. Vanderweide seconded that all remaining appeals under Agenda Item 11.A.i. above be denied. Motion carried.**

**Dr. Zaafran moved and Dr. Vanderweide seconded that the appeal of Item 11.A.ii. Log #20-0602 be denied. The motion carried, with one opposed (Ms. Morgan).**

**Dr. Vanderweide moved and Dr. Tibbles seconded that the appeal of Item 11.B. Log #21-4769 be denied. Motion carried.**

**Dr. Quinones moved and Dr. Vanderweide seconded that the appeal of Item 11.B. Log #21-5086 be denied. Motion carried.**

**Dr. Quinones moved and Ms. Barnes seconded that the appeal of Item 11.B. Log #21-6694 be granted. Motion carried. Direction to staff: Review the policy and sequence of events with the post op visit.**

**Dr. Tibbles moved and Dr. Vanderweide seconded that the appeal of Item 11.B. Log #21-6904 be denied. Motion carried, with one abstention (Ms. Barnes).**

**Dr. Zaafran moved and Dr. Tibbels seconded that the appeal of Item 11.B. Log #21-7384 be deferred to December Board Meeting. Motion carried. Direction to staff: Investigate policy and procedure involved in this case.**

**Dr. Vanderweide moved and Dr. Tibbles seconded that the appeal of Item 11.B. Log #11-8178 be granted. Motion carried. Refer to Investigations.**

**Dr. Vanderweide moved and Ms. Barnes seconded that the appeal of Item 11.B. Log #21-7217 be granted. Motion Carried. Direction to staff: The case should be assigned to a pain management expert panelist.**

**Item 11.A.i. Log # 21-5491 rescheduled for December Board Meeting.**

**Dr. Zaafran moved and Dr. Vanderweide seconded that all other remaining appeals under Agenda Item 11.B not specifically granted above be denied. Motion carried.**

**Agenda Item #12 Adjourn.**

**Mr. Gracia moved and Ms. Barnes seconded that the meeting adjourn.**

**Motion carried at 5:06 p.m.**

**Texas Medical Board**  
**Disciplinary Process Review Committee**  
**TXPHP - Participant Case Review**  
**October 14, 2021**

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

Legal Number	Document Type	Approved by Board	Rejected by Board	Board Meeting Date
21-0619	Dismissal – Attny	Yes	No	10/15/2021
21-0637	Dismissal – Attny	Yes	No	10/15/2021
21-0638	Dismissal – Attny	Yes	No	10/15/2021
21-0642	Dismissal – Attny	Yes	No	10/15/2021
21-0688	Dismissal – Attny	Yes	No	10/15/2021
21-0724	Dismissal – Attny	Yes	No	10/15/2021
20-0567	Dismissal - ISC	Yes	No	10/15/2021
21-0425	Dismissal - ISC	Yes	No	10/15/2021
21-0467	Dismissal - ISC	Yes	No	10/15/2021
21-0473	Dismissal - ISC	Yes	No	10/15/2021
21-0520	Dismissal - ISC	Yes	No	10/15/2021
21-0541	Dismissal - ISC	Yes	No	10/15/2021
21-0547	Dismissal - ISC	Yes	No	10/15/2021
21-0548	Dismissal - ISC	Yes	No	10/15/2021
21-0550	Dismissal - ISC	Yes	No	10/15/2021
21-0551	Dismissal - ISC	Yes	No	10/15/2021
21-0554	Dismissal - ISC	Yes	No	10/15/2021
21-0557	Dismissal - ISC	Yes	No	10/15/2021
21-0577	Dismissal - ISC	Yes	No	10/15/2021
21-0580	Dismissal - ISC	Yes	No	10/15/2021
21-0584	Dismissal - ISC	Yes	No	10/15/2021
21-0603	Dismissal - ISC	Yes	No	10/15/2021
21-0607	Dismissal - ISC	Yes	No	10/15/2021
21-0614	Dismissal - ISC	Yes	No	10/15/2021
21-0625	Dismissal - ISC	Yes	No	10/15/2021
21-0648	Dismissal - ISC	Yes	No	10/15/2021
21-0666	Dismissal - ISC	Yes	No	10/15/2021
21-0587	Dismissal - PHP	Yes	No	10/15/2021

DPRC OCTOBER 14, 2021

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

Total : 137

Log Number	Allegation	Close	Continue	ISC	Hold	Name
193949		X				
197086		X				
203517		X				
206667		X				
208543		X				
210991		X				
211602		X				
211824		X				
212160		X				
212270		X				
212297		X				
212302		X				
212419		X				
212509		X				
212610				X		
213073		X				
213082		X				
213226		X				
213265		X				
213350		X				
213353		X				
213389		X				
213436		X				
213516		X				
213566		X				
213575		X				
213696		X				
213707		X				
213794		X				
213813		X				
213823		X				
213924		X				
213983		X				
214003		X				
214004		X				
214006		X				
214046		X				
214047		X				
214048		X				
214107		X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
214120		X				
214121		X				
214172		X				
214278		X				
214343		X				
214351		X				
214443		X				
214458		X				
214477		X				
214481		X				
214510		X				
214592		X				
214650		X				
214664		X				
214668		X				
214675		X				
214717		X				
214726		X				
214728		X				
214761		X				
214767		X				
214774		X				
214807		X				
214834		X				
214835		X				
214842		X				
214845		X				
214997		X				
215009		X				
215165		X				
215174		X				
215225		X				
215226		X				
215242		X				
215248		X				
215265		X				
215278		X				
215296		X				
215302		X				
215303		X				
215325		X				
215426		X				
215450		X				
215498		X				
215502		X				
215507		X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
215532		X				
215588		X				
215616		X				
215617		X				
215624		X				
215644		X				
215648		X				
215650		X				
215671		X				
215750		X				
215765		X				
215766		X				
215852		X				
215884		X				
215965		X				
215966		X				
215981		X				
216074		X				
216125		X				
216138		X				
216143		X				
216221		X				
216248		X				
216251		X				
216334		X				
216392		X				
216410		X				
216415		X				
216433		X				
216479		X				
216602		X				
216628		X				
216633		X				
216635		X				
216636		X				
216637		X				
216661		X				
216679		X				
216733		X				
216798		X				
216813		X				
217150		X				
217157		X				
217172			X			
217177		X				
217215		X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
217638		X				
217723		X				
217866		X				
217877		X				
218246				X		

INVESTIGATIONS SECTION ACTIVITY REPORT				
Fourth Quarter 2021				
INVESTIGATIONS SECTION (DONE)	6/1 to 8/31	FY 2021	FY 2020	FY 2019
<b>Current Investigations</b>	703	695	738	1192
Physician	568	556	585	913
Physician Assistant	38	42	22	32
Acupuncturist	0	2	0	3
Surgical Assistant	0	0	3	0
SB202/Other	94	98	128	244
<b>Investigations Opened</b>	509	1769	1915	2127
Physician	454	1488	1493	1656
Physician Assistant	18	76	55	83
Acupuncturist	1	4	1	5
Surgical Assistant	0	1	6	3
SB202/Other	31	133	360	380
<b>Investigations Completed</b>	454	1763	2449	2226
Physician	375	1478	1888	1698
Physician Assistant	32	77	72	83
Acupuncturist	0	3	6	9
Surgical Assistant	0	4	3	3
Unknown/Other	29	172	480	433
<b>Jurisdictional Not Filed Complaints</b>	964	3600	3636	3549
Physician	850	3317	3360	3231
Physician Assistant	56	170	180	161
Acupuncturist	0	4	1	5
Surgical Assistant	3	5	3	2
SB202/Other	55	107	92	150
<b>Non-Jurisdictional Complaints</b>	856	3817	3376	3123
Physician (INC)	236	1163	1083	1013
No active license	4	14	12	22
Duplicate allegations	42	159	116	88
Referred to another entity	239	255	25	14
No identifiable patient/licensee	52	57	129	132
Improperly requested medical records	43	115	120	136
Unlicensed Staff	0	0	0	0
Misc./Custom	442	902	681	621



Acupuncturist	0	0	0	N/A
Surgical Assistant	0	0	0	N/A
SB202/Other	0	0	0	N/A
<b>LITIGATION SECTION (DONE)</b>	<b>6/1 to 8/31</b>	<b>FY 2021</b>	<b>FY 2020</b>	<b>FY 2019</b>
<b>Current Caseload</b>	379	462	566	530
Physician	258	328	409	346
Physician Assistant	27	24	24	26
Acupuncturist	5	4	2	4
Surgical Assistant	1	1	1	0
Respiratory Care Practitioners	25	28	37	48
Med. Radiologic Technologists	42	43	59	89
Medical Physicists	0	0	0	0
Perfusionists	0	0	0	0
Other	21	37	34	18
<b>Cases Received</b>	169	687	1012	1048
Physician	110	500	671	702
Physician Assistant	15	39	32	43
Acupuncturist	0	3	4	6
Surgical Assistant	0	1	1	0
Respiratory Care Practitioners	10	29	64	100
Med. Radiologic Technologists	16	49	176	156
Medical Physicists	0	0	0	0
Perfusionists	0	0	1	1
Other	14	54	63	40
<b>I.S.C./Show Compliance Proceedings</b>	126	578	515	728
Physician	99	471	414	519
Physician Assistant	8	31	16	32
Acupuncturist	0	8	1	2
Surgical Assistant	0	1	0	2
Respiratory Care Practitioners	4	19	38	64
Med. Radiologic Technologists	8	41	46	108
Medical Physicists	0	0	0	1
Perfusionists	0	0	0	0
Other	4	7	0	0
<b>Temporary Suspension Hearings</b>	10	41	51	41
Physician	5	26	38	28
Physician Assistant	2	3	3	4
Acupuncturist	0	0	0	0
Surgical Assistant	0	0	0	0
Respiratory Care Practitioners	0	5	6	3
Med. Radiologic Technologists	3	8	4	6
Medical Physicists	0	0	0	0
Perfusionists	0	0	0	0
Other	0	0	0	0
<b>Number of Cases pending at S.O.A.H.</b>	48	47	25	76
Physician	35	35	19	52
Physician Assistant	0	0	0	2
Acupuncturist	2	2	0	1
Surgical Assistant	0	0	0	0
Respiratory Care Practitioners	4	4	3	12
Med. Radiologic Technologists	7	6	3	9
Medical Physicists	0	0	0	0
Perfusionists	0	0	0	0
Other	0	0	0	0

LITIGATION SECTION (CON'T)	6/1 to 8/31	FY 2021	FY 2020	FY 2019
<b>Formal Complaints Filed at S.O.A.H.</b>	29	79	36	82
Physician	19	52	17	47
Physician Assistant	0	0	0	3
Acupuncturist	1	2	0	1
Surgical Assistant	0	0	0	0
Respiratory Care Practitioners	4	12	7	13
Med. Radiologic Technologists	5	13	12	18
Medical Physicists	0	0	0	0
Perfusionists	0	0	0	0
Other	0	0	0	0
<b>Hearings with S.O.A.H.</b>	6	13	7	12
Physician	1	5	6	11
Physician Assistant	0	0	0	1
Acupuncturist	0	0	0	0
Surgical Assistant	0	0	0	0
Respiratory Care Practitioners	1	4	0	0
Med. Radiologic Technologists	2	7	1	0
Medical Physicists	0	0	0	0
Perfusionists	0	0	0	0
Other	0	0	0	0
<b>S.O.A.H. Cases - Agreed Orders</b>	2	6	34	30
Physician	3	8	29	29
Physician Assistant	0	0	1	1
Acupuncturist	0	0	0	0
Surgical Assistant	0	0	0	0
Respiratory Care Practitioners	0	1	0	0
Med. Radiologic Technologists	0	0	4	0
Medical Physicists	0	0	0	0
Perfusionists	0	0	0	0
Other	0	0	0	0
<b>S.O.A.H. Cases - Mediated Orders</b>	0	0	5	7
Physician	1	1	4	7
Physician Assistant	0	0	1	0
Acupuncturist	0	0	0	0
Surgical Assistant	0	0	0	0
Respiratory Care Practitioners	0	0	0	0
Med. Radiologic Technologists	0	0	0	0
Medical Physicists	0	0	0	0
Perfusionists	0	0	0	0
Other	0	0	0	0
<b>Mediation Conferences (S.O.A.H.)</b>	2	2	9	11
Physician	3	5	9	10
Physician Assistant	0	0	0	1
Acupuncturist	0	0	0	0
Surgical Assistant	0	0	0	0
Respiratory Care Practitioners	0	0	0	0
Med. Radiologic Technologists	0	0	0	0
Medical Physicists	0	0	0	0
Perfusionists	0	0	0	0
Other	0	0	0	0
<b>Contested Hearings (S.O.A.H.)</b>	0	1	37	29
Physician	0	1	11	11
Physician Assistant	0	0	0	2
Acupuncturist	0	0	1	0
Surgical Assistant	0	0	0	0
Respiratory Care Practitioners	0	0	11	5
Med. Radiologic Technologists	0	0	14	11
Medical Physicists	0	0	0	0
Perfusionists	0	0	0	0

Other	0	0	0	0
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LITIGATION SECTION (CON'T)	6/1 to 8/31	FY 2021	FY 2020	FY 2019
<b>% of current caseload at S.O.A.H.</b>	12.7%	9.5%	4.0%	14.0%
Physician	13.6%	10.0%	0.0%	0.0%
Physician Assistant	0.0%	0.0%	0.0%	0.0%
Acupuncturist	40.0%	33.0%	0.0%	0.0%
Surgical Assistant	0.0%	0.0%	0.0%	0.0%
Respiratory Care Practitioners	16.0%	20.0%	0.0%	0.0%
Med. Radiologic Technologists	14.6%	14.6%	0.0%	0.0%
Medical Physicists	16.7%	16.7%	0.0%	0.0%
Perfusionists	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%
<b>COMPLIANCE SECTION ACTIVITY REPORT</b>				
<b>Fourth Quarter 2021</b>				
<b>COMPLIANCE SECTION</b>				
	<b>6/1 to 8/31</b>	<b>FY 2021</b>	<b>FY2020</b>	<b>FY 2019</b>
<b>Current Probationers</b>	691	687	687	687
Physician	449	445	434	480
Physician Assistant	35	35	35	35
Acupuncturist	2	3	3	3
Physician in Training	2	2	3	1
Surgical Assistant	1	1	1	1
SB202/Other	199	202	211	167
<b>Drug Screens Conducted</b>	721	2316	2997	3037
Physician	165	981	2286	2158
Physician Assistant	11	47	74	121
Acupuncturist	0	0	0	0
Physician in Training	0	0	0	0
Surgical Assistant	0	0	0	0
SB202/Other	98	425	637	758
<b>MEDICAL BOARD DECISIONS</b>				
<b>Fourth Quarter 2021</b>				
<b>MEDICAL BOARD DECISIONS (DONE)</b>				
	<b>6/1 to 8/31</b>	<b>FY 2021</b>	<b>FY 2020</b>	<b>FY 2019</b>
<b>Disciplinary Actions</b>				
<u>Temporary Disciplinary Actions</u>				
Suspensions	3	15	30	24
Restrictions	0	2	5	3
<u>Final Disciplinary Actions</u>				
Revocations/Surrenders	8	16	25	42
Suspensions	2	8	13	24
Public Reprimands	12	27	35	38
Restrictions	23	77	100	124
Administrative Penalties	0	0	2	0
Cease and Desist	14	31	22	19
Licensed with Conditions	5	5	10	5
License Denied following S.O.A.H. Hearing	0	0	0	0
<b>Total Disciplinary Decisions</b>	67	181	242	279
Remedial Plans	94	262	122	131
Remedial Plans	35	80	122	131
Licensure Remedial Plans	10	14	10	8
Total Penalty Value	93,500	276,500	221,296	251,000
<b>Total Actions</b>	171	457	374	418
<u>Compliance MR/TR Requests</u>				















Administrative Penalties	0	0	0	0
Cease and Desist	0	0	0	0
Licensed with Conditions	0	0	0	0
License Denied following S.O.A.H. Hearing	0	0	0	0
<b><u>Total Disciplinary Decisions</u></b>	0	0	0	0
Remedial Plans	0	0	0	0
Licensure Remedial Plans	0	0	0	0
Total Penalty Value	0	0	0	0
<b><u>Total Actions</u></b>	0	0	0	0
<b><u>Compliance MR/TR Requests</u></b>				
Modification Requests				
Granted	0	0	0	0
Denied	0	0	0	0
Termination Requests				
Granted	0	0	0	0
Denied	0	0	0	0
<b><u>Dismissals</u></b>	0	0	0	1

**Expert Panel Members for Board Approval October 2021**

<b>Last</b>	<b>First</b>	<b>LIC #</b>	<b>CITY</b>	<b>SPECIALTY</b>
1 Cabrera	Joshua	P4030	Bryan	Child Adolesesnt Psychiatry
2 Cole	Alexander	Q9979	Dallas	Psychiatry
3 Giridhar	Vijay	R4550	Dallas	Internal Medicine/Hospitalist
4 Kilbride	Earl	K5043	Austin	Orthopedic Surgery
5 LoMonaco	John	J6013	Houston	Plastic Surgery
6 Shaw	Clayton	G8757	Garland	OB/GYN
7 Verma	Maneesh	P4002	Pasadena	Hand/Orthopedic Surgery
8 Vornik	Vadim	L6209	Dallas	Anesthesiology

**Interim Approval**