

**TEXAS MEDICAL BOARD**  
**MINUTES OF THE**  
**DISCIPLINARY PROCESS REVIEW COMMITTEE**  
October 17, 2019

Chair, Manuel Quinones, Jr., M.D., called the meeting to order at 9:16 am. Other members present were Sharon Barnes, Devinder S. Bhatia, M.D., Robert Gracia, James “Scott” Holliday, D.O., LuAnn Morgan, Jason K. Tibbles, M.D., David G. Vanderweide, M.D., and Sherif Zaafran, M.D.

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).

**This was a report on two TXPHP participants that were emergently referred to TMB in September 2019 and no vote is necessary.**

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

**This was an informational item only and no vote was necessary.**

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

**It was announced by Mr. Carlton that there were no impaired renewals to be presented to the DPRC under Agenda Item #4.**

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

**Mr. Carlton presented the Enforcement Activity Report for FY2020, 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>

- A. Chapter 193, Standing Delegation Orders
  - §193.5 – Physician Liability for Delegated Acts and Enforcement
  - §193.13 – Delegation to Certified Registered Nurse Anesthetists
  - §193.17 – Nonsurgical Medical Cosmetic Procedures
  - §193.21 – Delegation Related to Radiological Services

**Ms. Barnes moved and Dr. Zaafran seconded that the proposed amendments to Chapter 193, Standing Delegation Orders, rule §193.5, §193.13, §193.17, and §193.21 under Agenda Item 6, as presented, be approved for publication as written. Motion carried.**

**Agenda Item #7.** Consideration and approval of membership of the Expert Physician Panel.

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

**Agenda Item #8.** Review, discussion, and possible action regarding review of probationer's appearances.

**Ms. Barnes moved and Dr. Holliday seconded to approve review of probationer's appearances. 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.**

**At 10:22 a.m., Dr. Zaafran moved and Ms. Barnes 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 2:47 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 #10.** Review, discussion, and possible action regarding appeals of dismissed - complaints. A. Jurisdictional Complaints: i. 18-8907, **18-8989\***, 19-1407, **19-1459\***, 19-2116, 19-2169 Investigations: ii. Legal Files - None B. Jurisdictional-Not-Filed Complaints: **19-0233\***, 19-2792, **19-3582\***, **19-3917\***, 19-4981, 19-5063, 19-5145, 19-5263, 19-5264, 19-5329, **19-6168\***, **19-6169\***, 19-6213, 19-6217, 19-6221, **19-6326\***, 19-6435, 19-6740, 19-6782, 19-6963, 19-7071, 19-7168, 19-7285, 19-7305, 19-7308, 19-7367, 19-7645, C. Non-Jurisdictional Complaint: None

**Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item 10.A, Log #18-8989 be denied. Motion carried.**

**Dr. Quinones moved and Dr. Zaafran seconded that all other appeals under Agenda Item 10.A.i not specifically granted above be denied, with the exception of Investigation Log #19-1459, which is postponed until the December Meeting. Motion carried.**

**Dr. Holliday moved and Ms. Barnes seconded that the appeal of Item 10.B, Log #19-6168 be denied. Motion carried.**

**Dr. Holliday moved and Ms. Barnes seconded that the appeal of Item 10.B, Log #19-6169 be denied. Motion carried.**

**Ms. Morgan moved and Ms. Barnes seconded that the appeal of Item 10.B, Log #19-6326 be granted. Motion carried.**

**Dr. Zaafran moved and Dr. Bhatia seconded that the appeal of Item 10.B, Log #19-5329 be granted. Motion carried.**

**Dr. Zaafran moved and Ms. Barnes seconded that the appeal of Item 10.B, Log #19-6221 be granted. Motion carried.**

**Dr. Quinones moved and Ms. Morgan seconded that the appeal of Item 10.B, Log #19-7285 be granted. Motion carried. Dr. Zaafran was recused.**

**Ms. Barnes moved and Dr. Holliday seconded that all other appeals under Agenda Item 10.B not specifically granted above be denied, with the exception of Investigation Log #19-3917, which is postponed until the December Meeting. 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:

**Ms. Barnes moved and Dr. Holliday seconded that follow-up file #19-4402 be dismissed. Motion carried.**

**Dr. Holliday moved and Ms. Barnes seconded that follow-up file #19-4404 be dismissed. Motion carried.**

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

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

**Dr. Quinones moved and Mr. Gracia seconded that SOAH Legal Case #18-0829 be approved for dismissal. Motion carried.**

**Ms. Barnes moved and Ms. Morgan seconded that all files under Agenda Item 12 Non Standard of Care and 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 Dr. Bhatia seconded that the meeting adjourn.**

**Motion carried at 3:04 p.m.**

**TEXAS MEDICAL BOARD**  
**Disciplinary Process Review Committee**  
**TXPHP - Participant Case Review**  
**October 17, 2019**

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

# **Expert Panel Members for Board Approval October 2019**

<b>LAST</b>	<b>FIRST</b>	<b>LIC #</b>	<b>CITY</b>	<b>SPECIALTY</b>
Ahmed	Ahmed	K9962	Webster	Cardiovascular Diseases
Ali	Tahir	L3553	Fort Worth	Otolaryngology
Annamalai	Palam	L6795	Friendswood	Diagnostic, Vascular, & Interventional Radiology
Chokshi	Sagar	Q7849	Houston	Anesthesiology/Interventional Pain Management
Damore	Stuart	G4105	Cedar Park	Cardiovascular Diseases
Garcia	Michael	G2139	San Antonio	OB/GYN
Ibrahim	Nesreen	M8048	Houston	Adult/Child Psychiatry
Islam	Janine	M5241	Tyler	Physical Medicine & Rehabilitation
Lee	Walter	R6818	Galveston	Anesthesiology
Nargunan	Varuna	N8229	Odessa	Internal Medicine/Endocrinology
Patel	Ramya	R1607	Houston	Otolaryngology
Ramos	Louis	L2580	Austin	Internal Medicine/Hospitalist
Saltz	Richard	M5479	Denison	Gastroenterology
Santarosa	Julianne	P2062	Dallas	General Surgery
Sartor	Tammy	K9167	Marble Falls	General Surgery
Shah	Nish	Q3437	Richmond	Family Medicine/Sports Medicine
Trizna	Zoltan	K9193	Austin	Dermatology
Walsh	Lance	M2861	Mount Pleasant	Urology
White	Ryan	P9136	Pearland	Emergency Medicine
Witherspoon	Scott	N2885	Dallas	Ophthalmology
Zubieta	Juan	N8747	Kingwood	Internal Medicine/Critical Care Medicine

## **Interim Approval**

Coogan	Sheila	J3300	Houston	Vascular Surgery
New	Ronald	M8208	San Antonio	Thoracic Cardiovascular Surgery

**DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED**

**ISC PANEL RECOMMENDATIONS –** Texas Medical Board      October 17, 2019

**ISC Dismissal's**

CASE #	CLOSE	CONT. TO ISC	
19-0844	X		
19-0764	X		
19-0965	X		
19-0655	X		
19-0779	X		
19-0727	X		
19-0796	X		
19-0812	X		
19-0799	X		
19-0897	X		
19-0752	X		
19-0832	X		
19-0852	X		
19-0829	X		
19-0900	X		
19-0884	X		
19-0704	X		
19-0898	X		
19-0828	X		
19-0783	X		
19-0610	X		
19-0813	X		
19-0788	X		
19-0432	X		
18-0995	X		
19-0717	X		
19-0830	X		
19-0688	X		
19-0858	X		
19-0795	X		
19-0811	X		
19-0876	X		
19-0877	X		

Total = 33

### **COMPLAINTS REVIEWED PURSUANT TO STAFF**

CASE #	CLOSE	CONT.	TO ISC
19-1005	X		
19-1077	X		
19-0934	X		
19-0924	X		
19-0896	X		
19-0749	X		
19-1070	X		
20-0015	X		
19-0746	X		
20-0014	X		
18-0240	X		
19-0385	X		
19-0707	X		
19-1040	X		
19-0943	X		
19-0430	X		
19-1037	X		
19-0964	X		
19-0566	X		
19-0431	X		

Total = 20

### **SOAH Case Dismissals**

CASE #	CLOSE	CONT.	TO ISC
18-0829	X		

Total = 1

### **TXPHP Dismissals**

CASE #	CLOSE	CONT.	TO ISC
19-0604	X		
19-0656	X		
19-0654	X		
19-0855	X		
19-0235	X		

Total = 5

## DPRC OCTOBER 17, 2019

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

**Total : 168**

Log Number	Allegation	Close	Continue	ISC	Hold	Name
174046	164.053(A)(1)	X				
183595	164.051(A)(6)	X				
185180	164.051(A)(6)	X				
186984	164.051(A)(6)	X				
187036	164.051(A)(6)	X				
187643	164.051(A)(6)	X				
187725	164.051(A)(6)	X				
187771	164.051(A)(6)	X				
187840	164.051(A)(6)	X				
188277	105.002(B)	X				
188589	164.051(A)(6)	X				
188698	164.051(A)(6)	X				
188704	164.051(A)(6)	X				
188746	164.051(A)(6)	X				
188823	164.051(A)(6)	X				
189104	164.051(A)(9)	X				
189153	164.052(A)(5)	X				
190135	164.051(A)(6)			X		
190141	164.051(A)(6)	X				
190531	164.051(A)(6)	X				
191214	164.051(A)(6)			X		
191300	164.051(A)(6)	X				
191340	164.051(A)(6)	X				
191341	164.051(A)(6)	X				
191346	164.051(A)(6)	X				
191389	164.051(A)(6)	X				
191628	164.051(A)(6)	X				
191652	164.051(A)(6)	X				
191706	164.051(A)(6)	X				
191708	164.051(A)(6)	X				
191770	164.051(A)(6)	X				
191785	164.053(A)(8)	X				
191786	164.053(A)(8)	X				
191787	164.053(A)(8)	X				
191788	164.053(A)(8)	X				
191873	164.051(A)(6)	X				
191925	164.051(A)(6)	X				
192180	164.051(A)(6)	X				
192265	164.051(A)(6)	X				
192313	164.051(A)(6)	X				



Log Number	Allegation	Close	Continue	ISC	Hold	Name
192320	164.051(A)(6)	X				
192533	164.051(A)(6)	X				
192742	164.051(A)(6)	X				
192901	164.051(A)(6)	X				
192913	164.052(A)(5)	X				
192959	164.051(A)(6)	X				
193034	164.051(A)(6)	X				
193135	164.052(A)(5)	X				
193153	164.053(A)(1)	X				
193208	164.052(A)(5)	X				
193283	164.051(A)(6)	X				
193287	151.002(A)(13)	X				
193328	164.051(A)(6)	X				
193371	164.051(A)(6)	X				
193399	164.051(A)(6)	X				
193419	164.052(A)(5)	X				
193613	151.002(A)(13)	X				
193632	164.051(A)(6)	X				
193643	164.052(A)(5)	X				
193644	164.051(A)(6)	X				
193684	164.051(A)(6)	X				
193686	164.053(A)(6)	X				
193730	164.051(A)(6)	X				
193782	164.051(A)(6)	X				
193786	164.051(A)(6)	X				
193862	151.002(A)(13)	X				
193871	164.051(A)(6)	X				
193915	164.051(A)(6)	X				
193975	164.051(A)(6)	X				
193977	164.051(A)(6)	X				
193988	164.052(A)(5)	X				
194023	164.051(A)(6)	X				
194039	164.051(A)(6)	X				
194061	164.052(A)(5)	X				
194110	164.051(A)(6)	X				
194137	164.051(A)(6)	X				
194176	164.051(A)(6)	X				
194225	164.052(A)(5)	X				
194230	164.051(A)(6)	X				
194232	164.051(A)(6)	X				
194250	164.051(A)(6)	X				
194301	164.051(A)(6)	X				
194329	164.051(A)(6)	X				
194336	164.052(A)(5)	X				
194352	164.052(A)(5)	X				
194368	164.051(A)(3)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
194402	164.051(A)(6)	X				
194404	164.051(A)(6) -	X				
194413	164.052(A)(5)	X				
194506	164.051(A)(6)	X				
194520	164.051(A)(6)	X				
194523	164.051(A)(6)	X				
194526	164.051(A)(6)	X				
194566	164.051(A)(6)	X				
194581	164.053(A)(5)	X				
194594	164.051(A)(6)	X				
194707	164.053(A)(9)	X				
194708	164.053(A)(9)	X				
194724	164.051(A)(6)	X				
194731	164.051(A)(6)	X				
194741	164.051(A)(6)	X				
194792	164.051(A)(6)	X				
194847	164.051(A)(6)	X				
194859	164.051(A)(6)	X				
194863	164.051(A)(6)	X				
194897	164.052(A)(5)	X				
194899	164.052(A)(5)	X				
194907	164.051(A)(6)	X				
194908	164.051(A)(6)	X				
194937	164.052(A)(5)	X				
194973	164.052(A)(5)	X				
194988	164.051(A)(6)	X				
194992	164.051(A)(6)	X				
195013	105.002(B)	X				
195050	164.052(A)(5)	X				
195072	164.051(A)(6)	X				
195078	164.051(A)(6)	X				
195176	164.051(A)(6)	X				
195204	164.052(A)(5)	X				
195211	164.052(A)(5)	X				
195225	164.051(A)(6)	X				
195262	164.051(A)(6)	X				
195271	164.051(A)(6)	X				
195347	105.002(B)	X				
195359	151.002(A)(13)	X				
195375	105.002(B)	X				
195376	164.051(A)(3)	X				
195508	603.401	X				
195558	164.052(A)(5)	X				
195565	164.052(A)(5)	X				
195573	164.051(A)(6)	X				
195574	159.002	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
195576	164.051(A)(6)	X				
195613	164.051(A)(4)(A)	X				
195631	164.051(A)(6)	X				
195637	164.052(A)(5)	X				
195676	164.051(A)(6)	X				
195705	164.052(A)(5)	X				
195776	164.051(A)(4)(A)	X				
195787	164.051(A)(8)	X				
195792	164.052(A)(5)	X				
195840	164.052(A)(5)	X				
195913	164.052(A)(5)	X				
196034	164.051(A)(6)	X				
196063	104.003	X				
196065	164.051(A)(6)	X				
196116	164.053(A)(4)	X				
196133	164.052(A)(5)	X				
196146	164.051(A)(6)	X				
196212	164.052(A)(5)	X				
196227	164.052(A)(5)	X				
196305	164.051(A)(3)	X				
196337	105.002(B)	X				
196395	164.051(A)(6)	X				
196409	164.052(A)(5)	X				
196486	164.052(A)(5)	X				
196517	164.051(A)(6)			X		
196802	105.002(B)	X				
196840	164.051(A)(6)	X				
196841	164.051(A)(6)	X				
196860	164.051(A)(1)	X				
197047	164.051(A)(1)	X				
197434	164.051(A)(9)	X				
197577	105.002(B)	X				
197626	164.051(A)(3)	X				
197936	164.053(A)(1)	X				
198097	164.051(A)(3)	X				
198200	151.002(A)(13)	X				