

TEXAS MEDICAL BOARD
MINUTES OF THE
DISCIPLINARY PROCESS REVIEW COMMITTEE
March 2, 2017

Chair Margaret C. McNeese, M.D., called the meeting to order at 10:10 a.m. Other members present were Julie K. Attebury, James "Scott" Holliday, D.O., Jeffrey Luna, M.D., LuAnn Morgan, Karl W. Swann, M.D., Surendra K. Varma, M.D., Stanley Wang, M.D., George Willeford III, M.D., and Sherif Z. Zaafran, M.D.

Staff members present were Scott Freshour, Interim 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 (PHP).

Dr. Varma moved, and Ms. Attebury seconded that PHP Case #1 remain under the management of PHP. Motion carried.

Ms. Attebury moved, and Dr. Varma seconded that PHP Case #2 remain under the management of PHP. Motion carried.

Dr. Holliday moved, and Dr. Willeford seconded that PHP Case #3 be returned to the jurisdiction of the Texas Medical Board for an ISC. The motion was withdrawn.

Dr. Holliday moved, and Dr. Willeford seconded that PHP Case #3 be returned to the jurisdiction of the Texas Medical Board for an ISC and to have Board staff evaluate for a temporary suspension. Motion carried.

Dr. Varma recused himself from any discussion on this case.

Dr. Varma moved, and Dr. Holliday seconded that PHP Case #4 be returned to the jurisdiction of the Texas Medical Board for an ISC and requested that Dr. Fitzwater appear before the ISC panel to provide information on the case. Motion carried.

Dr. Holliday moved, and Dr. Varma seconded that PHP Case #5 remain under the management of PHP. Motion carried.

Dr. Holliday moved, and Dr. Willeford seconded that PHP Case #6 be returned to the jurisdiction of the Texas Medical Board for an ISC. Motion carried.

Agenda Item #3. Reports and discussion regarding Texas Physician Health Program. (Dr. Fitzwater)

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. Freshour 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. Freshour presented the Enforcement Report for January 2017, a copy of which is attached. This was an informational item only and no vote was necessary.

Agenda Item #6. Review, discussion, and possible action regarding review of probationer's appearances.

Dr. Varma moved, and Dr. Willeford seconded that the waiver list on Agenda Item #6 be approved. Motion carried.

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

Dr. Varma moved, and Dr. Holliday seconded that the appointments of members to the Expert Panel be accepted as noted in the attachment. Motion carried.

Agenda Item #8. Reports and discussion regarding cases over one year old.

Mr. Freshour presented to the DPRC the current status of cases that are over one year old. To date, all investigations over one year are in criminal courts for a resolution and the majority of the litigation cases are at SOAH. This was an informational item only and no vote was necessary.

Dr. Holliday moved, and Ms. Attebury seconded; the motion passed at 11:11 a.m. 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 .008, 164.007(c), Texas Occupations Code. Open session resumed at 1:58 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 #9. Review, discussion, and possible action regarding appeals of dismissed complaints. A. Jurisdictional Complaints: i. Investigations: 16-3392, 16-3603, 16-3737, 16-4663, 16-4993, 16-5171, 16-5257, 16-6099, 16-6177; ii. Legal Files: 16-0540 (16-1703), 16-0555 (16-1790), 16-0649 (16-0508) B. Jurisdictional-Not-Filed Complaints: 15-1876, 16-4081, 16-5921, 17-0052, 17-0601, 17-0819, 17-0867, 17-0876, 17-0883, 17-0965, 17-0972, 17-0973, 17-1077, 17-1286, 17-1389, 17-1390, 17-1412, 17-1417, 17-1619, 17-1784, 17-1955, 17-1964, 17-1990, 17-2105, 17-2156, 17-2248, 17-2370, 17-2448, 17-2790 C. Non-Jurisdictional Complaints: 17-1312

Dr. Varma moved, and Dr. Holliday seconded that the appeal of Item 9.A.i, Log # 16-4663 be denied but a custom letter be sent to the Respondent regarding better communication with the PCP regarding care. Motion carried.

Dr. Holliday moved, and Dr. Varma seconded that all other appeals under Agenda Item 9.A.i. be denied. Motion carried.

Dr. Willeford moved, and Dr. Varma seconded that the appeal of Item 9.A.ii, Log #16-0555 (16-1790) be denied. Motion carried.

Dr. Wang moved, and Dr. Varma seconded that all other appeals under Agenda Item 9.A.ii. be denied. Motion carried.

Dr. McNeese moved, and Dr. Holliday seconded that the appeal of Item 9.B, Log 16-5921 be denied. Motion carried.

Dr. Holliday moved, and Dr. Zaafran seconded that the appeal of Item 9.B, Log #17-0876 be denied but a custom letter be sent to the Respondent encouraging improved communications on procedures performed. Motion carried.

Dr. Varma moved, and Dr. Holliday seconded that the appeal of Item 9.B, Log #17-2790 be granted and an investigation opened to get a legible response from the Respondent. Motion carried.

Dr. Zaafran recused himself from any discussion on this case.

Dr. Wang moved, and Dr. Holliday seconded that all other appeals under Agenda Item 9.B not specifically granted above be denied. Motion carried.

Dr. Wang moved, and Dr. Holliday seconded that all appeals under Agenda Item 9.C not specifically granted be denied. Motion carried.

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: 15-7646, 15-7647, 16-1944, 16-1945, 16-4402

Dr. Holliday moved, and Dr. Wang seconded that follow-up file #15-7646 be dismissed. Motion carried.

Dr. Varma recused himself from any discussion on this case.

Dr. Holliday moved, and Dr. Wang seconded that follow-up file #15-7647 be dismissed. Motion carried.

Dr. Varma recused himself from any discussion on this case.

Dr. Wang moved, and Ms. Attebury seconded that follow-up file #16-1944 be dismissed. Motion carried.

Dr. Wang moved, and Ms. Attebury seconded that follow-up file #16-1945 be dismissed. Motion carried.

Dr. McNeese recused herself from any discussion on this case.

Dr. Holliday moved, and Dr. Willeford seconded that follow-up file #16-4402 be dismissed. Motion carried.

Agenda Item #11. Review, discussion, and possible action regarding selected files and cases.

Dr. Willeford moved, and Dr. Wang seconded that SOAH dismissal 17-0168 be approved for dismissal. Motion carried.

Dr. McNeese recused herself from any discussion on this case.

Dr. Wang moved, and Dr. Holliday seconded that SOAH dismissal 16-6191 be approved for dismissal. Motion carried.

Ms. Morgan recused herself from any discussion on this case.

Dr. McNeese recused herself from any discussion on file 16-7694.

Dr. Varma moved, and Dr. Wang seconded that all other files for review be resolved as noted on the individual sign-off sheets. Motion carried.

Agenda Item #12. Adjourn.

Dr. Holliday moved, and Dr. Wang seconded that the meeting adjourn.

Motion carried at 2:23 pm.

**TMB - Disciplinary Process Review Committee
(DPRC) TXPHP - Participant Case Review
March 2, 2017**

Case #	Remain with PHP	TMB Accepted	Continue
1	X		
2	X		
3		X	
4		X	
5	X		
6		X	

Expert Panel Members for Board Approval March 2017

LAST	FIRST	LIC #	CITY	SPECIALTY
Baugh	Jimmy	N7678	Richardson	Family Practice
Reynolds	Kelley	RCP00057852	Richardson	Respiratory
Rodgers	Randall	G0020	Tyler	Family Medicine
Van Roekel	Stephen	L5162	Austin	Emergency Medicine

Interim Approval

McMinn	Kimberly	AC01361	San Antonio	Acupuncture
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DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED

ISC PANEL RECOMMENDATIONS – Texas Medical Board - March 2, 2017

ISC Dismissal's

CASE # **CLOSE** **CONTINUE TO ISC**

17-0148	X		
17-0180	X		
17-0032	X		
16-0621	X		
16-0839	X		
16-0862	X		
17-0230	X		
17-0200		X	
17-0100	X		
17-0038	X		
17-0109	X		
16-0861	X		
17-0153	X		
17-0228	X		
17-0171	X		
17-0211	X		
16-0768	X		
17-0082	X		
16-0791	X		
16-0658	X		
17-0145	X		
16-0851	X		
17-0078	X		
17-0046	X		
16-0933	X		
17-0227	X		
17-0146	X		
17-0152	X		
17-0073	X		
17-0197	X		
17-0101	X		
17-0207	X		
17-0045	X		
17-0150	X		
17-0126	X		
17-0198	X		
17-0165	X		
17-0334	X		
17-0218	X		
17-0167	X		
17-0115	X		

17-0233	X		
16-0968	X		
17-0057	X		
17-0128	X		
17-0245	X		
17-0243			X
17-0209			
17-0185			X
17-0166	X		
16-0822	X		

Total = 51

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE # CLOSE CONTINUE TO ISC

17-0284	X		
17-0326	X		
17-0119	X		
17-0246	X		
17-0392	X		
17-0378	X		
17-0215	X		
17-0375	X		
17-0151	X		

Total = 9

Pre-Approved for Submission/COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE # CLOSE CONTINUE TO ISC

17-0113	X		
17-0226	X		

Total = 2

SOAH Case Dismissals (To be reviewed by full committee)

CASE # CLOSE CONTINUE TO ISC

16-0262	X		
16-0308	X		

Total = 2

TXPHP Dismissals

CASE # CLOSE CONTINUE TO ISC

17-0068	X		
17-0310	X		

Total = 2

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

Total : 265

Log Number	Close	Continue	ISC	Hold	Name
155803	X				
157646	X				
157647	X				
160961	X				
161944	X				
161945	X				
162589	X				
163138	X				
163436	X				
163445	X				
164054	X				
164374	X				
164402	X				
164455	X				
164472	X				
164577	X				
164609		X			
164706	X				
164826	X				
164897	X				
164996	X				
165040	X				
165100	X				
165138	X				
165711	X				
165731	X				
165734	X				
165759	X				
165906	X				
165931	X				
165945	X				
165946	X				
165991	X				
166000	X				
166066	X				
166169	X				
166187	X				
166188	X				
166198	X				
166226	X				

Log Number	Close	Continue	ISC	Hold	Name
166285	X				
166303	X				
166312	X				
166374	X				
166399	X				
166408	X				
166415	X				
166417	X				
166447	X				
166492	X				
166507	X				
166510	X				
166511	X				
166517	X				
166527	X				
166542	X				
166543	X				
166548	X				
166585	X				
166594	X				
166625	X				
166640	X				
166657	X				
166663	X				
166666	X				
166680	X				
166687	X				
166690	X				
166722	X				
166723	X				
166729	X				
166759	X				
166763	X				
166769	X				
166842	X				
166858	X				
166863	X				
166872	X				
166890	X				
166898	X				
166922	X				
166923	X				
166978	X				
166990	X				
167000	X				
167014	X				

Log Number	Close	Continue	ISC	Hold	Name
167037	X				
167079	X				
167089	X				
167105	X				
167107	X				
167120	X				
167142	X				
167157	X				
167159	X				
167172	X				
167173	X				
167198	X				
167206	X				
167226	X				
167243	X				
167245	X				
167255	X				
167266	X				
167282	X				
167283	X				
167299	X				
167336	X				
167338	X				
167356	X				
167360	X				
167363	X				
167367	X				
167381	X				
167400	X				
167424	X				
167442	X				
167451	X				
167452	X				
167453	X				
167456	X				
167462	X				
167473	X				
167476		X			
167499	X				
167506	X				
167519	X				
167575	X				
167577	X				
167582	X				
167608	X				
167610	X				

Log Number	Close	Continue	ISC	Hold	Name
167626	X				
167633	X				
167646	X				
167656	X				
167664	X				
167682	X				
167683	X				
167694	X				
167711	X				
167712	X				
167716	X				
167722	X				
167729	X				
167752	X				
167754	X				
167761	X				
167765	X				
167767	X				
167769	X				
167786	X				
167791	X				
167808	X				
167811	X				
167817	X				
167819	X				
167822	X				
167832	X				
167833	X				
167873	X				
167892	X				
167900	X				
167930	X				
167931	X				
167953	X				
167955	X				
167972	X				
167979	X				
167985	X				
168003	X				
168010		X			
168021	X				
168025	X				
168041	X				
168044	X				
168049	X				
168051	X				

Log Number	Close	Continue	ISC	Hold	Name
168062	X				
168071	X				
168072	X				
168073	X				
168074	X				
170003	X				
170011	X				
170061	X				
170065	X				
170067	X				
170069	X				
170076	X				
170133	X				
170151	X				
170187	X				
170190	X				
170195	X				
170203	X				
170219	X				
170222	X				
170267	X				
170314	X				
170319	X				
170363	X				
170382	X				
170423	X				
170439	X				
170453	X				
170482	X				
170486		X			
170488	X				
170489	X				
170510	X				
170522	X				
170536	X				
170538	X				
170547	X				
170574	X				
170648	X				
170658	X				
170669	X				
170677	X				
170706	X				
170729	X				
170731	X				
170739	X				

Log Number	Close	Continue	ISC	Hold	Name
170740	X				
170744	X				
170797	X				
170801	X				
170827	X				
170833	X				
170873	X				
170891	X				
170912	X				
170963	X				
170968	X				
170978	X				
170993	X				
171041	X				
171046	X				
171091	X				
171096	X				
171115	X				
171117	X				
171130	X				
171132	X				
171133	X				
171165	X				
171186	X				
171195	X				
171218	X				
171285	X				
171351	X				
171378	X				
171445	X				
171490	X				
171522	X				
171583	X				
171789	X				
171796	X				
171810	X				
171841	X				
171886	X				
172092	X				
172609	X				
172780	X				