



Texas Medical Board

BOARD MEETING
333 GUADALUPE, TOWER 2, SUITE 225
AUSTIN, TEXAS
August 24, 2018

The meeting was called to order on Friday, August 24, 2018 at 8:04 a.m. by Board President, Sherif Z. Zaafran, M.D. Board members present were: Frank S. Denton, , Jeffrey Luna, M.D., , LuAnn Morgan, Surendra Varma, M.D., Timothy Webb, J.D., J. Scott Holliday, D.O., Jayaram B. Naidu, M.D., , Sharon J. Barnes, George L. De Loach, D.O., Robert Gracia, Robert D. Martinez, M.D., Linda Molina, J.D., Manuel “Manny” Quinones, Jr., M.D., and David G. Vanderweide, M.D. Board staff present were: Executive Director Stephen “Brint” Carlton, J.D.; General Counsel Scott Freshour, J.D.; Medical Director Robert Bredt, M.D.; Governmental Affairs and Public Information Manager Megan Goode; Assistant General Counsels Wendy Pajak, J.D., Amy Swanholm, J.D., Sarah Tuthill, J.D., and Yvette Yarbrough, J.D.; and various other staff.

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.

- a. **Presentation & Resolution.** Dr. Zaafran acknowledged Ms. Southard’s service on the board of nineteen years.
- b. **Bulletin-President’s Message.** Dr. Zaafran opened discussion about the July 2018 TMB President Bulletin:
“Additionally, any physician or peer review committee is required to report to the Board if, in their opinion, a physician poses a continuing threat to the public welfare through the practice of medicine. (Sec. 160.003, Report by Certain Practitioners).”
Dr. Zaafran acknowledged that there was an increase in number of complaints received in regards to improper supervision.

Agenda item #3, Consideration and Approval of Mediated Settlement Agreed Orders. After consideration, **Dr. Holliday moved, Dr. Varma seconded, and the motion passed to approve the Mediated Settlement Agreed Order for Thomas Glen Ockershausen, M.D. and Stanton Clark Packard, M.D.**

Agenda Item #9 at 8:30 a.m., Presentation. Robert Steele, M.D. and Brea Lotzick from Texas A&M made a presentation about K-Star.

There were no items for agenda item #10.

The board recessed at 9:08 a.m.

The board reconvened at 9:17 a.m.

Agenda Item #11 at 9:00 a.m., Consideration and approval of Proposal for Decisions.

a. Courtney Morgan, M.D., SOAH #503-18-0681.MD Mr. Freshour, General Counsel, gave a brief procedural background. Mr. Palazola, J.D., was present and made a presentation. Dr. Morgan was present via telephone and made a presentation. No one was present to represent Dr. Morgan. After discussion, **Mr. Webb moved, Ms. Barnes seconded, and the motion passed to go into executive session at 9:52 a.m. for 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 Texas Government Code, Section 551.071.** Open session resumed at 10:50a.m. and it was announced that no action was taken. A certified agenda was made. After discussion, **Dr. De Loach moved, Ms. Barnes seconded and the motion passed to adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Courtney Morgan, M.D. and adopt the board staff's suggested final order of revocation.** Dr. Martinez, Mr. Gracia, Dr. DeLoach, Ms. Barnes, Mr. Denton, Dr. Holliday, Dr. Varma, Dr. Luna, Ms. Morgan, Dr. Quinones, and Dr. Vanderweide voted in favor of the motion. Mr. Webb, Ms. Molina, and Dr. Naidu were opposed to the motion.

Agenda item #4, Consideration and approval of Remedial Plans. After consideration, **Dr. Holliday moved, Dr. Quinones seconded, and the motion passed to approve the Remedial Plans en masse for Sam Seunghae Ahn, M.D.; Ricardo Antonio Alvarado, M.D.; Rima Bishara, M.D.; Sajal Das, M.D.; David Brian Dellinger, D.O.; Michael John Duran, M.D.; James Brant Ellis, M.D.; Randolph M. Gamez, M.D.; Joseph David Gonzalez, M.D.; Luis M. Gonzalez-Peniza, M.D.; Jennifer Grant, M.D.; Daniel J. Leeman, M.D.; Kelechukwu A. Olejeme, M.D.; Naga M. Perisetti, M.D.; Benjamin Stahl, M.D.; and Javier Vazquez Ortiz, M.D.; Rasheed A. Singleton, M.D.; Alan Brent Colby, D.O.; Julius F. Deiparine, M.D.; Ranjit Singh Grewal, M.D.; Canaan Lavelle Harris, M.D.; Charles Rhodes Hinman, M.D.; Mei Yuan Hui, M.D.; Francisa A. Ifesinachukwu, M.D.; Nelson Keith Bond, II, M.D.; Trenton A. Carlyle, M.D.; Mustasim N. Rumi, M.D.; Alfred Raymond Johnson, D.O.; Seema C. Modi, M.D.; David H. Moikeha, M.D.; Deepak C. Patel, M.D.; Gregory Joseph Phillips, M.D.; Patrick W. Hsu, M.D.; and Jaspaul S. Bhangoo, M.D.**

After consideration, **Dr. Quinones moved, Dr. Vanderweide seconded, and the motion passed to approve the Remedial Plan for Raja B. Naidu, M.D. (Dr. Varma and Dr. Naidu recused).**

Agenda item #5, Consideration and Possible Action for Agreed Orders. After consideration, **Dr. Quinones moved, Mr. Webb seconded, and the motion passed to approve**

the Agreed Orders en masse for Bobby R. Hobbs, M.D.; Tulio A. Sulbaran, M.D.; James Kevin Kaufman, M.D.; Philip L. Kelton, Jr., M.D.; Arnold Ravdel, M.D.; Kathleen S. Sheehan, M.D.; Nathan A. Vermedahl, M.D.; Balamurali K. Ambati, M.D.; John Bryan Barnett, Jr., M.D.; Nidal I. Buheis, M.D.; William L. Denam, D.O.; Gary Steven Donovan, M.D.; Pablo, Jr. Guajardo, M.D.; John Barton Hanna, D.O.; Kevin Joseph Pauza, M.D.; Edward M. Stephens, M.D.; Raymond R. Bixby, M.D.; Jimmi Rios Perez, M.D.; Oscar R. Ramos, M.D.; Pamela D. Wilson, M.D.; Shamji P. Badhiwala, M.D.; Joshua Kless Kern, M.D.; James E. Fenner, M.D.; John R. Tompkins, M.D.; Reginald A. Williams, M.D.; and Jessica M. Nelson, M.D.

After discussion, Dr. Varma moved, Dr. Vanderweide seconded, and the motion passed to approve the Remedial Plan for Mohsin M. Syed, M.D. (Ms. Morgan recused).

After discussion, Mr. Denton moved, Mr. Webb seconded, and the motion passed to approve the Remedial Plan for Yoo Joo Hwang, D.O.

After discussion, Ms. Barnes moved, Mr. Gracia seconded, and the motion passed to approve the Remedial Plan for James David Key, Sr., M.D. (Vanderweide recused).

After discussion, Ms. Barnes moved, Dr. Vanderweide seconded, and the motion passed to approve the Remedial Plan for Robert G. Jakubowski, M.D. (Dr. Quinones recused).

Agenda item #6, Consideration and approval of Modification Request/Termination Request Orders. After consideration, Dr. Varma moved, Dr. Vanderweide seconded, and the motion passed to approve the Modification Request/Termination Request Orders for Fernando Jose Aviles, M.D.; Beauford Baspel, Jr., D.O.; Rizwan H. Bukhari, M.D.; James Donald Caddell, D.O.; Peter P. Chang, M.D.; Daniel L. Howell, M.D.; Thomas F. Leffingwell, M.D.; Donald Paul Long, M.D.; Jonathan Matthews, M.D.; Cynthia D. McNeil, M.D.; Marcos Reis, M.D.; Michael F. Schultz, M.D.; Chris A. Sparksman, M.D.; David W. Spinks, D.O.; Edward C. Teng, M.D.; James M. Wilson, M.D.; Bernice Anderson, D.O.; Robert Bryant Fry, M.D.; and Ralph Brookshire, D.O.

After consideration, Dr. Quinones moved, Ms. Morgan seconded, and the motion passed to approve the Order Granting Termination for Syed J. Zaheer, M.D. (Dr. Luna and Dr. De Loach recused)

There were no items for agenda item #7.

Agenda item #30, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C. Chapter 185, Physician Assistants.

- a. Chapter 185 Physician Assistant
 - §185.7 Temporary License

Dr. Zaafran gave a brief summary and review of the proposed rules for adoption. Dr. Khan from Medical Radiologic Technologist Board, Ms. Crosby from the Physician Assistant Board, Dr. Richard Hurley from Texas Pain Society and Jennifer Lara from Texas Society of Radiologic Technologists presented oral comments. No written comments were received. After discussion, **Ms. Morgan moved, Ms. Barnes seconded, and the motion passed to adopt the changes made on §185.7 Temporary License.**

- **§185.32 Training for Radiologic Procedures**

Dr. Zaafran gave a brief summary and review of the proposed rules for adoption. Dr. Khan from Medical Radiologic Technologist Board, Ms. Crosby from the Physician Assistant Board, Dr. Richard Hurley from Texas Pain Society and Jennifer Lara from Texas Society of Radiologic Technologists presented oral comments. No written comments were received. No action was taken, as this rule was published for proposal over six months ago. The Board directed staff to revisit this rule after the August 29, 2018 MRT Stakeholder meeting.

Agenda Item #12, Executive Director Report.

Budget Update. Mr. Carlton gave an update on budget report.

Legislative Update. Mr. Carlton and Ms. Goode gave an update on legislative matters.

Agenda item #13, Medical Director Report. Dr. Bredt announced that seventeen new Experts have been retained and requested Board members give suggestions of potential experts they would recommend.

Agenda Item #8, Consideration and approval of Nunc Pro Tunc Orders. After consideration, **Ms. Morgan moved, Dr. Gracia seconded, and the motion passed to approve the Nunc Pro Tunc Order for Cyrus Sajadi, M.D.**

Agenda Item #14, Public Information Update. Ms. Goode introduced Jarrett Schneider to new Board members. Mr. Schneider announced to new Board members the publication schedules.

There were no items for agenda item #15.

Agenda Item #16, Consideration and possible action regarding pending litigation. Mr. Freshour provided an update on actions regarding pending litigation.

Agenda Item #17, Report on Temporary Suspension Hearings. Mr. Freshour announced that there were three reports within this agenda item. No action was taken.

Agenda item #18, Report on Motions for Rehearing Requests. Mr. Freshour announced that there was one report within this agenda item. No action was taken.

Agenda item #19, Report of Suspension by Operation of Law. Mr. Freshour announced that there were two reports within this agenda item. No action was taken.

Agenda item #20, Report on Cease and Desist Orders approved by Executive Director. Mr. Carlton announced that there were two reports within this agenda item. No action was taken.

There were no items for Agenda items #21-26.

Agenda item #27, Discussion, recommendation, and possible action regarding proposed rule amendments and rules review to 22 T.A.C.

a. Chapter 188, Perfusionists

§188.4 Qualifications for Licensure

§188.26 Exemption from Registration Fee for Retired Perfusions Providing Voluntary Charity Care

§188.28 Exemption from Registration Fee for Retired Perfusionist

Ms. Pajak gave a brief summary and review of the proposed rules for adoption. No one signed in for oral comments. No written comments were received. After discussion, **Dr. Holliday moved, Ms. Barnes seconded, and the motion passed to adopt the changes made on §188.4 Qualifications for Licensure, §188.26 Exemption from Registration Fee for Retired Perfusions Providing Voluntary Charity Care and §188.28 Exemption from Registration Fee for Retired Perfusionist.**

Agenda item #28, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C.

a. Chapter 175 Fees and Penalties

§175.2 Registration and Renewal Fees

Ms. Pajak gave a brief summary and review of the proposed rules for adoption. Jenny Jones from Texas A&M signed in for an oral comment but did not make one. No written comments were received. After discussion, **Ms. Barnes moved, Dr. De Loach seconded, and the motion passed to adopt the changes made on §175.2 Registration and Renewal Fees**

b. Chapter 187 Procedural Rules

- §187.87 Definitions
- §187.88 Complaint Process and Resolution
- §187.89 Notice of Availability of Mandatory Mediation

After discussion, Dr. Zaafran pulled this item from the agenda. The Board gave direction to staff regarding further rule writing.

Agenda item #29, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C. Chapter 183, Acupuncture.

a. Chapter 183, Acupuncture

- **§183.5 Annual Renewal of License**
- **§183.20 Continuing Acupuncture Education**
- **§183.25 Inactive Status License**

Ms. Pajak gave a brief summary and review of the proposed rules for adoption. No one signed in for oral comments. No written comments were received. After discussion, **Dr. Varma moved, Ms. Morgan seconded, and the motion passed to adopt the changes made on §183.5 Annual Renewal of License, §183.20 Continuing Acupuncture Education, and §183.25 Inactive Status License.**

Agenda item #31, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C. Chapter 194, Medical Radiologic Technology.

- **§194.7 Biennial Renewal of Certification**

Ms. Tuthill gave a brief summary and review of the proposed rules for adoption. No one signed in for oral comments. No written comments were received. After discussion, **Ms. Barnes moved, Dr. Vanderweide seconded, and the motion passed to adopt the changes made on §194.7 Biennial Renewal of Certification.**

There were no items for agenda item #32.

Agenda item #33 at 11:30 a.m., Open forum for public comments. Sheila Hemphill made a public comment.

After discussion, **Dr. Zaafran moved, Dr. Holliday seconded, and the motion passed to go into executive session for 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 at 12:45 p.m.** Open session resumed at 1:46p.m. and it was announced that no action was taken. A certified agenda was made.

Consent Agenda

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

1. Consideration and approval of granting appeal for item #10-B log # 18-5462 of the August 23, 2018 DPRC Minutes and action items. After discussion, **Dr. Holliday moved, Dr. Vanderweide seconded, and the motion passed to approve the appeal for item #10-B log # 18-5462 of the August 23, 2018 DPRC Minutes and action items.**
2. Consideration and approval of the August 1, 2018 Audit Committee Meeting Minutes and action items. Mr. Denton recommended the Audit Committee Minutes reflect the discussion regarding the pay of the Executive Medical Director for PHP. After discussion, **Mr. Denton moved, Mr. Webb seconded, and the motion passed to approve the August 1, 2018 Audit Committee Meeting Minutes as amended and action items.**

3. Consideration and approval of the June 15, 2018 Board Meeting Minutes and action items, the August 1, 2018 Executive Committee minutes and action items, and the minutes and action items of committee meetings during the board meeting. After discussion, **Dr. Quinones moved, Mr. Webb seconded, and the motion passed to approve the June 15, 2018 Board Meeting Minutes and action items, the August 1, 2018 Executive Committee minutes and action items, and the minutes and action items of committee meetings during the board meeting.**

Agenda item #34, Adjourn. There being no further agenda items, **Mr. Webb moved, Dr. Quinones seconded, and the motion passed to adjourn the meeting at 1:51 p.m.**