



Texas Medical Board

BOARD MEETING

June 9, 2022

The meeting was called to order on Friday June 9, 2022 at 8:02 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Kandace Farmer, D.O., Vice President; Sharon Barnes; Devinder S. Bhatia, M.D.; George L. DeLoach, D.O.; James Distefano, D.O.; Robert Gracia; Robert Martinez, M.D.; LuAnn R. Morgan; Manuel Quinones, Jr., M.D.; Jason Tibbels, M.D.; Ebony V. Todd, J.D.; and David Vanderweide, M.D. Board members not present were: Michael E. Cokinos, Secretary/Treasurer; Arun Agarwal; Ada L. Booth, M.D.; Tomeka Herod; Jayaram B. Naidu, M.D.; and Satish Nayak, M.D. Staff members present were: Brint Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Bredt, M.D., Medical Director; 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.

Wynne Snoots, M.D. Dr. Zaafran recognized former board member Wayne Snoots, M.D., who passed away, for his work on the board from 2009-2015 and for the state of Texas.

TXPHP Update Dr. Zaafran reported that the current Executive Medical Director Dr. McQueen is leaving TXPHP and continuing in private practice. She will continue with TXPHP until her replacement is found.

Pain Task Force Dr. Zaafran reported on his involvement with the Pain Task Force. The next Pain Task Force meeting will be held at the end of July or beginning of August to review draft rules for board consideration.

FSMB Dr. Zaafran reported on his, Mr. Carlton's, and Ms. Morgan's attendance at the FSMB annual meeting.

Agenda Item #3, Appointment of Compact Representatives. Dr. Martinez nominated himself as a representative of the compact. All voted in favor of his appointment. Dr. Bhatia also nominated himself as a representative of the compact. All voted in favor of his appointment.

Agenda Item #4, Consideration and possible action for dispositions below minimum guidelines. After consideration, **Dr. Quinones moved, Dr. Distefano seconded and the motion passed to approve the dispositions below minimum guidelines for Gregory Krynski, MD; Jordan Michael Pastorek, MD; Suresh Jude Antony, MD; and Alison S. Garza, MD.**

Agenda Item #5, Consideration and approval of Mediated Settlement Agreed Orders. After consideration, **Dr. Quinones moved, Dr. Vanderweide seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Jed Alan Graham, MD; Ana Yolanda Perez, MD; Jon Peter Ver Halen, MD; Garrett Keith Peel, MD; and Joshua Holland, DO.**

Agenda Item #6, Consideration and possible action for Remedial Plans. After consideration, **Dr. Vanderweide moved, Mr. Gracia seconded, and the motion passed to approve the Remedial Plans for Rodolfo Alberto Herrera, MD; Paul William John, MD; David R. Jones, MD; William**

Oliver Lee, MD; Ira Odell Murchison, DO; Daniel Butler Ray, MD; Kenneth Douglas Wilgers, MD; Christian Isaac, MD; Andrew Joseph Applewhite, MD; Bill Mark Balch, MD; Jose Maria Borrego Acosta, MD; Ana Maria Calderon, MD (Dr. Quinones recused); Wagaa Youssef Farag, MD; Charles Albert Garcia, MD; Steven Garza Garcia, MD; Neal Gregory Haynes, MD; Kent Charles Hughes, MD; Cheryl Karen Johnson, MD; Raven Jeanine Johnson, MD; Daniel Hansford Kellum, Jr., MD; Rainer Anil Khetan, MD; Jane Ann Leeves, MD; Jeff Marshall Livingston, MD; Michael Shea O'Neill, MD; Harold J. Pean, MD; Beth Peterson, MD; Andrew W. Prychodko, MD; Kenneth Ralph Winton, DO; Roger Knapp, II, MD; Mauro Ortiz, MD; Gregg Allen Reger, MD; and Daniel Robert Theesfeld, MD. Dr. Quinones recused himself from voting on the Remedial Plan for Ana Maria Calderon, MD.

Agenda Item #7, Consideration and possible action for Agreed Orders. After consideration, Ms. Barnes moved, Dr. Vanderweide seconded, and the motion passed to approve the Agreed Orders for Donald Ervin Baxter, MD; Arthur Hernandez, MD; Donald Victor McGraw, DO; Alfonso Luevano, MD; Huan Doan Ngo, MD; Vinay Kumar Parameswara, MD; Shahidur Rahman, MD; James Arthur Grieme, MD; Kristina Howell, MD; David O. Griffith, MD; David Earl Hoekenga, MD; Patrick D. Kavanagh, MD; Juan Carlos Mena, MD; Jonathan Rey, MD; Andrew Lawrence, MD; Daniel Peterson, MD; Evan Louis Shrago, MD; and Joseph Rowland Feste, MD.

Agenda Item #8, Consideration and approval of Modification Request/Termination Request Orders. After consideration, Dr. Distefano moved, Ms. Morgan seconded, and the motion passed to approve the Modification Requests/Termination Requests Orders for Rafael Antonio Avila, MD; Sebastian J. Ciacchella, MD; Brett McCormack Cordes, MD; Joseph Howe Crumbliss, MD; Lisa Fairweather, DO; Anshul Gandhi, MD; Alfredo Marti, MD; Arlette Naylor Pharo, DO; Edward Neal Ramsey, Jr., MD; Charles Michael Rios, MD; and Roberto Ruiz, Jr., MD.

Agenda Item #9, Consideration and approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders. There were none.

Agenda Item #10, Consideration and approval of Cease and Desist Orders. After consideration, Ms. Morgan moved, Mr. Gracia seconded, and the motion passed to approve the Cease and Desist Orders for Tammye D. Austin; Bradley Boeke, DDS; Clarissa "Claire" Garcia; John Bradley Hawkins; Jeana Johnson; Kenya Lambropoulos; and Arturo Ortiz, LVN.

Agenda Item #11, Consideration and approval of Nunc Pro Tunc Orders. There were none.

Agenda Item #12, Consideration and approval of Agreed Resolution Orders. There were none.

Agenda Item #13, Consideration and approval of Consent Orders. There were none.

Agenda Item #14, Consideration and approval of Determination of Default. There were none.

Agenda Item #16, Executive Director Report.

Board Graphic Mr. Carlton presented the board graphic report.

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

Complaints Against the Agency Mr. Carlton presented a report on Complaints Against the Agency.

COVID-19 Update Mr. Carlton reported that there is not much of an update, as the agency continues to operate as it has the past several months.

Building Update Mr. Carlton reported that the agency's potential move date is late August/early September.

Agenda Item #17, Discussion, recommendation, and possible action relating to a Texas Medical Board and Texas Physician Health Program Memorandum of Understanding. After discussion, Dr. Martinez moved, Dr. Distefano seconded, and the motion passed to adopt the edits to the Texas Medical Board and Texas Physician Health Program Memorandum of Understanding.

Agenda Item #18, Medical Director Report. Dr. Bredt reported that there are now 800 experts, with 45 more approved by DPRC. There is a significant need for experts in oncology, ophthalmology, and pediatric gastroenterology.

Agenda Item #19, Public Information Update. Ms. Taurie Sloan gave a public information update.

Agenda Item #20, Report Physician Assistant Liaison. Ms. Laura Shipley was present.

Agenda Item #22, Report on Temporary Suspension Hearings. A report on Temporary Suspension Hearings was provided.

Agenda Item #23, Report on Suspensions by Operation of Law. A report on Suspensions by Operation of Law was provided.

Agenda Item #24, Report on Motions for Rehearing Requests. A report on Motions for Rehearing Requests was provided.

Agenda Item #25, Report on Cease and Desist Orders Approved by Executive Director. A report on Cease and Desist Orders approved by Executive Director was provided.

Agenda Item #26, Report on Automatic Revocation Letters by Executive Director. A report on Automatic Revocation Letters by Executive Director was provided.

Agenda Item #27, Report on Automatic Orders. There were none.

Agenda Item #28, Report of Cancellations regarding Investigations. There were none.

Agenda Item #29, Consideration and approval of Orders to Show Cause. There were none.

Agenda Item #30, Consideration and approval of Revised, Vacated, or Amended Orders. There were none.

Agenda Item #31, Discussion, recommendation, and possible action regarding proposed rule amendments to 22 T.A.C. There were none.

Agenda Item #33, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C Chapter 183.Acupuncture. There were none.

Agenda Item #34, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C Chapter 185. Physician Assistants. There were none.

Agenda Item #35, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C Chapter 194, Medical Radiologic Technology. There were none.

Agenda Item #36, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C Chapter 186, Respiratory Care. There were none.

Agenda Item #37, Discussion, recommendation, and possible action regarding rule review to 22 T.A.C, Part 9, Texas Medical Board. There were none.

There was a break from 8:41 am – 8:53 am.

At 9:18 am, Dr. Quinones moved, Ms. Barnes seconded, and the motion passed to go into Executive Session for deliberations concerning disciplinary action, investigative information, peer review information, and possible rehabilitation orders under the authority of The Medical Practice Act Sections 152.009, 160.006-160.008, 164.007(c), and 165.202-165.203, Occupations Code.

Open session resumed at 9:32 am, and it was announced no action was taken during executive session. A certified agenda of the executive session was made.

Agenda Item #15, Consideration and approval of Proposal for Decision.

a. Arthur Arrit Chavason, M.D., SOAH #503-19-2484.MD

Kemisha Williams, JD, Staff Attorney, gave a brief overview of the case. Dr. Chavason was present and Lee Bukstein was present on his behalf. After consideration, **Dr. Tibbels moved, Dr. Quinones 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 Arthur Arrit Chavason, M.D., and to adopt the staff suggested final order of revocation.**

Agenda Item #32, Discussion, recommendation, and possible action regarding adoption of possible rule amendments to 22 T.A.C.

a. Chapter 173 Physician Profiles

§173.3, Physician-Initiated Updates

Ms. Yvette Yarbrough, Assistant General Counsel, gave an overview of the rule amendments. After discussion, **Dr. Vanderweide moved, Dr. Distefano seconded and the motion passed to adopt the rule amendments to 22 T.A.C, Chapter 173 Physician Profiles, §173.3, Physician-Initiated Updates with one non-substantive change.**

Agenda Item #38, Open Forum for Public Comment. Beja Hopson, Gavin Sussman and Alison Leston from DSHS, and Ida Murguia gave public comments.

At 10:07 am, Dr. Vanderweide moved, Ms. Morgan 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.

Open session resumed at 10:38 am, and it was announced no action was taken during executive session. A certified agenda of the executive session was made.

Agenda Item #21, Consideration and possible action regarding pending litigation. Mr. Freshour gave a report on pending litigation.

Agenda Item #39, Discussion, recommendation, and possible action relating to personnel matters. There were none.

Consent Agenda, Discussion/Action Items – to be considered and any time the full board is in session:

- 1. Consideration and approval of the March 4, 2022 Medical Board Meeting Minutes and actions items.**
- 2. Committee reports and the consideration and approval of minutes and action items committees meeting during the board meeting.**

After discussion, **Dr. Quinones moved, Dr. Distefano seconded, and the motion passed to approve the March 4, 2022, Medical Board Meeting Minutes and action items, as well as the minutes and action items of committees meeting during the board meeting.**

Agenda Item #40, Adjourn. There being no further items, **Dr. Bhatia moved, Dr. Vanderweide seconded, and the motion passed to adjourn the meeting at 10:40 a.m.**