

TEXAS MEDICAL BOARD
MINUTES OF THE
DISCIPLINARY PROCESS REVIEW COMMITTEE
August 15, 2019

Chair Margaret C. McNeese, M.D., called the meeting to order at 10:03 am. Other members present were Sharon Barnes, LuAnn Morgan, Manuel “Manny” Quinones, Jr., M. D., David G. “Dave” Vanderweide, M.D., James “Scott” Holliday, D.O., and Surendra K. Varma, M.D., Sherif Zaafran, M.D., and Robert Gracia were not in attendance.

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. Holliday moved and Ms. Barnes seconded that TXPHP Case #1 remains under the management of PHP with zero tolerance. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that TXPHP Case #2 remains under the management of PHP. Motion carried.

Dr. Varma moved and Dr. Holliday seconded that TXPHP Case #3 remains under the management of PHP. Motion carried.

Ms. Barnes moved and Dr. Holliday seconded that TXPHP Case #4 be returned to the jurisdiction of the Texas Medical Board for an Informal Settlement Conference. Motion carried.

Dr. Holliday moved and Ms. Morgan seconded that TXPHP Case #5 remains under the management of PHP. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that TXPHP Case #6 be returned to the jurisdiction of the Texas Medical Board for an Informal Settlement Conference. Motion carried.

Ms. Barnes moved and Dr. Holliday seconded that TXPHP Case #7 be returned to the jurisdiction of the Texas Medical Board for an Informal Settlement Conference. Motion carried.

Dr. Varma moved and Dr. Vanderweide seconded that the emergent referral of TXPHP Case #8 be accepted. Motion carried.

Dr. Varma moved and Dr. Vanderweide seconded that the emergent referral of TXPHP Case #9 be accepted. Motion carried.

Dr. Varma moved and Dr. Holliday seconded that the emergent referral of TXPHP Case #10 be accepted. Motion carried.

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

Motion by Dr. Varma and seconded by Dr. Holliday to direct staff to evaluate appropriate process and/or mechanism for considering, discussion and possible action discussed by Dr. Mehendale in the paper and presented to DPRC, as it relates to prescribing certain substances to those licensees being tested for substance use/abuse. Ms. Morgan voted against; motion carried.

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 July 2019, 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:³

- A. Chapter 165, Medical Records,
 - §165.1 – Medical Records

Ms. Barnes moved and Ms. Morgan seconded that the proposed amendments to rule §165.1 under Agenda Item 6.A. be approved for publication and comment. Motion carried.

- B. Chapter 172, Temporary and Limited Licenses,
 - §172.21- Other Health Care Providers Practice and Limited License for Disasters and Emergencies

Dr. Varma moved and Dr. Quinones seconded that the proposed amendments to rule §172.21 under Agenda Item 6.B. be approved for publication and comment. Motion carried.

- C. Chapter 182, Use of Experts,
 - §182.1-182.8 – Use of Experts

Dr. Varma moved and Dr. Quinones seconded that the proposed amendments to rule §182.1-182.8 under Agenda Item 6.C. be approved for publication and comment. Motion carried.

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

Dr. Varma 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 Ms. Morgan 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 11:46 a.m., Dr. McNeese 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 1:34 pm, 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. 18-8369, 19-1097, Investigations: ii. Legal Files - None B. Jurisdictional-Not-Filed Complaints: **19-0233***, 19-1074, **19-3572***, 19-3582, **19-3831***, **19-3950***, 19-4174, 19-4596, 19-4654, 19-4768, 19-4795, 19-5002, **19-5161***, 19-5546, 19-5627, 19-5769, 19-5869, 19-5939, 19-5983, 19-5986, 19-6032, 19-6207, 19-6225, 19-6299 C. Non-Jurisdictional Complaint: None

Dr. Varma moved and Dr. Holliday seconded that the appeals under Agenda Item 10.A.i. be denied. Motion carried.

Dr. Vanderweide moved and Dr. Quinones seconded that the appeal of Item 10.B, Log #19-3572 be granted and an investigation be opened to request clinic and hospital records. Motion carried.

Dr. Quinones moved and Dr. Holliday seconded that the appeal of Item 10.B, Log #19-3831 be denied. Motion carried. Direction to staff to open new investigation and/or make appropriate referrals to other regulating entities regarding other practitioners involved in the care of the patient.

Ms. Morgan moved and Dr. Vanderweide seconded that the appeal of Item 10.B, Log #19-3950 be denied. Motion carried.

Dr. Quinones moved and Ms. Morgan seconded that all other appeals under Agenda Item 10.B not specifically granted above be denied, with the exception of Investigation Log #19-0233 and 19-3582 which were postponed until the October 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:

Dr. Quinones moved and Dr. Vanderweide seconded that follow-up file #18-5076 be dismissed. Motion carried.

Dr. Varma moved and Dr. Holliday seconded that follow-up file #18-7436 be dismissed. Motion carried.

Dr. Varma moved and Dr. Quinones seconded that follow-up file #18-8248 be dismissed. Motion carried.

Dr. Varma moved and Dr. Quinones seconded that follow-up file #19-1269 be dismissed. Motion carried.

Dr. Holliday moved and Dr. Varma seconded that follow-up file #19-2358 be dismissed. Motion carried.

Dr. Varma moved and Dr. Quinones seconded that follow-up file #19-2360 be dismissed. Motion carried.

Dr. Varma moved and Ms. Morgan seconded that follow-up file #19-2363 be dismissed. Motion carried.

Dr. Varma moved and Ms. Barnes seconded that follow-up file #19-4407 be dismissed. Motion carried.

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

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

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

Dr. Varma moved and Ms. Barnes seconded that SOAH Legal Case #18-0283 be approved for dismissal. Motion carried.

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

Dr. Varma moved and Ms. Barnes seconded that all files under Agenda Item 12 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. Vanderweide seconded that the meeting adjourn.

Motion carried at 2:06 p.m.

TEXAS MEDICAL BOARD
Disciplinary Process Review Committee
TXPHP - Participant Case Review
August 15, 2019

Case #	Remain with PHP	TMB Accepted	Continue
1	X		
2	X		
3	X		
4		X	
5	X		
6		X	
7		X	
8		X	
9		X	
10		X	

Expert Panel Members for Board Approval August 2019

LAST	FIRST	LIC #	CITY	SPECIALTY
Azadi	Roya	M7019	Austin	Internal Medicine
Bryan	Michael	N1272	Grapevine	Colon & Rectal Surgery
Canon	Todd	N4323	Austin	Family Medicine
Dunn	Shawn	P1176	Tyler	Pain Medicine
Garcia	Bogar	R1369	Plano	Emergency Medicine
Gonzalez	Dawn	K2022	Kerrville	Internal Medicine
Gupta	Nagendra	R0405	Arlington	Internal Medicine
Islam	Rafiul	N7811	Lubbock	Gastroenterology
Khan	Sajid	R3699	Pearland	Emergency Medicine
Miranda-Grajales	Hector	Q4469	West Lake Hills	Physical Medicine & Rehabilitation
Mor	Nadav	R1588	McAllen	Emergency Medicine
Shah	Anand	M8988	San Antonio	Otolaryngology/Facial Plastic Surgery
Urhoghide	Noyoze	P5751	Allen	Family Medicine
Venkataraman	Rajesh	P5489	The Woodlands	Cardiology
Wright	Edward	N1228	San Antonio	Emergency Medicine

Interim Approval

Dodwad	Shah-Nawaz	Q5177	Houston	Orthopedic Surgery of the Spine
Ghanta	Ravi	R0576	Bellaire	Thoracic Cardiovascular Surgery

DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED**ISC PANEL RECOMMENDATIONS –** Texas Medical Board August 15, 2019**ISC Dismissal's**

CASE # CLOSE CONT. TO ISC

19-0561	X		
18-0822	X		
19-0677	X		
19-0301	X		
19-0587	X		
19-0534	X		
19-0562	X		
19-0686	X		
19-0510	X		
19-0471	X		
19-0591	X		
19-0530	X		
19-0564	X		
18-0797	X		
19-0265	X		
19-0586	X		
19-0555	X		
19-0579	X		
19-0665			X
19-0565	X		
18-0991	X		
19-0577	X		
19-0974	X		
19-0601	X		
19-0357	X		
19-0568	X		
19-0167	X		
19-0820	X		
19-0417	X		
19-0359	X		
19-0866	X		
19-0580	X		
18-0922	X		

Total = 33

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE #	CLOSE	CONT.	TO ISC
19-0839	X		
19-0806	X		
19-0868	X		
19-1013	X		
19-0883	X		
19-0841	X		
19-0846	X		
19-0549	X		
19-0869	X		
19-0865	X		
19-0920	X		
19-0814	X		
19-0589	X		
19-0697	X		
19-0733	X		
19-0815	X		
19-1012	X		
19-0612	X		
19-0650	X		
19-0443	X		
19-0904	X		

Total = 21

Pre-Approved for Submission/COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE #	CLOSE	CONT.	TO ISC
19-0630	X		

Total = 1

SOAH Case Dismissals (To be reviewed by full committee)

CASE #	CLOSE	CONT.	TO
18-0283	X		

Total = 1

TXPHP Dismissals

CASE #	CLOSE	CONT.	TO ISC
19-0396	X		
18-0204	X		
19-0491	X		
19-0075	X		
19-0588	X		
19-0856	X		
19-0705	X		
18-0549	X		

Total = 8

DPRC AUGUST 2019

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

Total : 212

Log Number	Allegation	Close	Continue	ISC	Hold	Name
172564	164.051(A)(7)	X				
176875	164.052(A)(5)	X				
176952	164.052(A)(5)	X				
177997	164.051(A)(6)	X				
183998	164.051(A)(7)	X				
184090	164.051(A)(6)	X				
185057	164.051(A)(8)	X				
185076	164.051(A)(6)	X				
185655	164.052(A)(13)	X				
186212	164.051(A)(6)	X				
186284	151.002(A)(13)	X				
186285	164.052(A)(17)	X				
186286	164.052(A)(17)	X				
186306	164.053(A)(8)	X				
186760	164.051(A)(6)	X				
187217	164.052(A)(5)	X				
187218	164.052(A)(5)	X				
187305	164.052(A)(5)	X				
187436	164.051(A)(6)	X				
187451	164.051(A)(6)	X				
187732	164.053(A)(1)	X				
188210	164.051(A)(6)	X				
188227	164.051(A)(6)	X				
188236	164.051(A)(6)	X				
188248	164.051(A)(6)	X				
188357	164.051(A)(6)	X				
188553	164.051(A)(6)	X				
188647	164.052(A)(5)	X				
188692	164.051(A)(6)	X				
188953	204.302(4)	X				
189096	164.051(A)(6)	X				
189103	102.001	X				
190062	164.052(A)(5)	X				
190079	164.051(A)(6)	X				
190339	164.051(A)(6)	X				
190341	164.051(A)(6)	X				
190342	164.051(A)(6)	X				
190391	164.051(A)(6)	X				
190499	164.053(A)(3)	X				
190645	164.052(A)(5)	X				
190851	164.051(A)(6)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
191092	164.051(A)(6)	X				
191117	164.051(A)(6)	X				
191143	164.051(A)(6)	X				
191188	164.051(A)(6)	X				
191269	164.051(A)(6)	X				
191301	105.002(B)	X				
191308	164.051(A)(6)	X				
191310	164.051(A)(6)	X				
191369	164.051(A)(6)	X				
191468	164.051(A)(3)	X				
191513	164.051(A)(6)	X				
191599	164.051(A)(6)	X				
191637	164.051(A)(6)	X				
191689	164.053(A)(1)	X				
191704	164.052(A)(5)	X				
191716	164.052(A)(5)	X				
191720	164.051(A)(3)	X				
191756	164.051(A)(6)	X				
191791	164.051(A)(6)	X				
191832	164.051(A)(6)	X				
191879	164.051(A)(6)	X				
191948	164.051(A)(6)	X				
191950	164.051(A)(6)	X				
191975	164.053(A)(6)	X				
191994	164.051(A)(6)	X				
192057	164.051(A)(6)	X				
192106	164.053(A)(6)	X				
192116	164.051(A)(6)	X				
192182	164.051(A)(6)	X				
192190	164.053(A)(5)	X				
192201	164.051(A)(6)	X				
192217	164.052(A)(5)	X				
192233	164.051(A)(6)	X				
192244	164.051(A)(9)	X				
192325	164.051(A)(6)	X				
192358	164.053(A)(6)	X				
192360	164.051(A)(6)	X				
192363	164.051(A)(6)	X				
192384	164.051(A)(6)	X				
192386	164.052(A)(5)	X				
192408	164.052(A)(5)	X				
192448	164.051(A)(6)	X				
192535	164.051(A)(6)	X				
192559	164.052(A)(5)	X				
192660	164.051(A)(6)	X				
192691	151.002(A)(13)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
192738	164.051(A)(6)	X				
192804	164.051(A)(6)	X				
192817	164.051(A)(3)	X				
192861	164.053(A)(5)	X				
192895	164.051(A)(6)	X				
192896	164.051(A)(6)	X				
192911	151.002(A)(13)	X				
192912	151.002(A)(13)	X				
192945	164.051(A)(6)	X				
192983	151.002(A)(13)	X				
192984	164.052(A)(17)	X				
193017	164.051(A)(6)			X		
193048	164.051(A)(6)	X				
193050	164.051(A)(6)	X				
193093	151.002(A)(13)	X				
193120	164.051(A)(3)	X				
193129	164.052(A)(5)	X				
193130	164.053(A)(5)	X				
193157	164.051(A)(6)	X				
193183	105.002(B)	X				
193188	164.051(A)(6)	X				
193220	164.051(A)(6)	X				
193222	164.051(A)(6)	X				
193223	101.351	X				
193272	164.052(A)(5)	X				
193277	164.051(A)(6)	X				
193298	164.052(A)(5)	X				
193326	164.051(A)(6)	X				
193381	164.051(A)(6)	X				
193387	164.051(A)(6)	X				
193391	164.051(A)(6)	X				
193417	164.051(A)(6)	X				
193455	164.051(A)(6)	X				
193468	164.051(A)(6)	X				
193504	164.051(A)(6)	X				
193512	164.051(A)(6)	X				
193541	164.051(A)(6)	X				
193570	105.002(B)	X				
193598	164.051(A)(6)	X				
193616	164.051(A)(6)	X				
193617	164.051(A)(6)	X				
193647	164.051(A)(6)	X				
193677	164.052(A)(5)	X				
193713	164.052(A)(5)	X				
193718	164.051(A)(6)	X				
193738	164.053(A)(3)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
193746	164.051(A)(3)	X				
193781	164.051(A)(6)	X				
193810	164.053(A)(5)	X				
193823	164.051(A)(6)	X				
193861	164.051(A)(6)	X				
193865	164.051(A)(6)	X				
193869	164.051(A)(6)	X				
193895	164.052(A)(5)	X				
193898	164.051(A)(6)	X				
193901	151.002(A)(13)	X				
193925	164.053(A)(1)	X				
193941	164.051(A)(6)	X				
193964	164.051(A)(6)	X				
193968	164.051(A)(6)	X				
193994	164.051(A)(6)	X				
194068	159.006	X				
194115	164.051(A)(9)	X				
194136	164.051(A)(6)	X				
194141	164.051(A)(6)	X				
194144	164.051(A)(6)	X				
194177	164.052(A)(5)	X				
194203	164.051(A)(6)	X				
194244	164.051(A)(6)	X				
194249	164.052(A)(5)	X				
194264	164.051(A)(6)	X				
194266	151.002(A)(13)	X				
194281	164.052(A)(5)	X				
194308	164.052(A)(17)	X				
194309	151.002(A)(13)	X				
194342	164.051(A)(6)	X				
194350	206.302(4)	X				
194407	164.051(A)(6)	X				
194443	164.051(A)(6)	X				
194475	151.002(A)(13)	X				
194531	164.051(A)(6)	X				
194556	164.051(A)(9)	X				
194569	164.052(A)(5)	X				
194586	164.051(A)(6)	X				
194598	164.051(A)(6)	X				
194653	164.051(A)(6)	X				
194678	164.052(A)(5)	X				
194728	164.052(A)(5)	X				
194744	105.002(B)	X				
194757	164.051(A)(6)	X				
194782	164.053(A)(1)	X				
194861	164.053(A)(1)	X				

Log Number	Allegation	Close	Continue	ISC	Hold	Name
194923	164.052(A)(5)	X				
194932	164.053(A)(5)	X				
194933	164.052(A)(5)	X				
194934	105.002(B)	X				
194961	164.051(A)(6)	X				
194974	164.052(A)(5)	X				
194975	164.052(A)(5)	X				
195011	164.052(A)(5)	X				
195012	105.002(B)	X				
195037	164.052(A)(5)	X				
195071	164.053(A)(1)	X				
195075	164.053(A)(1)	X				
195118	164.052(A)(5)			X		
195195	164.053(A)(1)	X				
195342	105.002(B)	X				
195422	105.002(B)	X				
195436	164.051(A)(6)	X				
195443	164.051(A)(3)	X				
195548	164.051(A)(6)	X				
195549	164.051(A)(6)	X				
195564	105.002(B)	X				
195614	164.053(A)(1)	X				
195653	164.051(A)(6)	X				
195666	105.002(B)	X				
195725	164.051(A)(9)	X				
195773	159.006	X				
195877	164.053(A)(5)	X				
195971	206.302(4)	X				
196013	159.006	X				
196014	159.006	X				
196015	159.006	X				
196122	151.002(A)(13)	X				
196433	164.051(A)(9)	X				