



# Texas Medical Board

BOARD MEETING

August 18, 2023

The meeting was called to order on Friday August 18, 2023 at 8:03 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Kandace Farmer, D.O., Vice President; Michael E. Cokinos, Secretary/Treasurer; Sharon Barnes; Devinder S. Bhatia, M.D.; George L. DeLoach, D.O.; James Distefano, D.O.; Robert Gracia; Tomeka Herod; Robert Martinez, M.D.; LuAnn R. Morgan; Jayaram B. Naidu, M.D.; Satish Nayak, M.D.; Manuel Quinones, Jr., M.D.; and Jason Tibbels, M.D. Board members not present were: Ebony V. Todd, J.D.; and David Vanderweide, 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.**  
FSMB Meeting Update on joint collaborations and different business models.

**Agenda Item #3, Consideration and possible action for dispositions below minimum guidelines.** After consideration, **Dr. Quinones moved, Dr. Bhatia seconded and the motion passed to approve the dispositions below minimum guidelines for Ruben D. Martinez, MD; Jaweed Akhter, MD; and Andrew Klymiuk, MD.**

**Agenda Item #4, Consideration and approval of Mediated Settlement Agreed Orders.** After consideration, **Dr. Distefano moved, Ms. Barnes seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Shreenath Doctor, MD; Michael Kilgore, MD; Andrew Klymiuk, MD; Shahbaz Ahmed Yazdani, MD, and Wayne C. Jones, MD.**

**Agenda Item #5, Consideration and possible action for Remedial Plans.** After consideration, **Ms. Morgan moved, Dr. DeLoach seconded, and the motion passed to approve the Remedial Plan for Gidon Akler, MD; Nicholas Arnoudse, MD; Hong Davis, MD; Alex DeJesus, MD; Johnny Gates, MD; William Irr, Jr, MD; Bill Johnson, MD; Ramesh Karia, MD; Surekha Machupalli, MD; Ricardo Martinez, MD; Duane Miller, MD; Virginia Mills, MD; Stephen Newman, MD; Rolando Posada, MD; Daniel Rousch, DO; Chad Stephens, DO; Robert Turner, DO; James Asbury, MD; Reed Bartz, MD; Bennie Chavez, MD; Leonard Dingler, MD (*Dr. Tibbels Recused*); Martin Garza, MD; Rebecca Gray, MD; Nilda Guerra-Cavazos, MD; Jose Lim, MD; Lynn Lytton, MD; Carlos Perez-Cosio, MD (*Dr. Zaafran recused*); Irfan Rana, MD; Joseph Scott, MD; Daniel Sone, MD; Terry Springer, MD; Hue Tang, MD; Ryan Walter, MD; Bing Yee, MD; Paul Cattafi, DO; David Gray, MD; Douglas Kasper, MD; and Jimmy Doan, MD.**

**Agenda Item #6, Consideration and possible action for Agreed Orders.** After consideration, **Mr. Cokinos moved, Ms. Barnes seconded, and the motion passed to approve the Agreed Orders for David Johnson, MD; Francisco Fiallo, MD; Andrew Lovell, DO; Troy Potthoff, MD;**

**Christopher Birkholz, MD; Benton Brown, MD; Bachir Debba, MD; Boniface Gbalazeh, MD; Ankur Khosla, MD (Dr. Zaafran recused); Paul Kobza, MD (Dr. Zaafran and Dr. DeLoach recused); Sunil Naik, MD; Babajide Ogunseinde, MD; Jeremy Parcels, MD; Omar Salam, MD; David Schwartz, DO; Michael Shelton, MD (Dr. Naidu recused); Jorge Massare-Rodriguez, MD; Avinash Narine, MD; and Aisha Noble, MD.**

**Agenda Item #7, Consideration and approval of Modification Request/Termination Request Orders.** After consideration, **Dr. Bhatia moved, Dr. Distefano seconded, and the motion passed to approve the Modification Requests/Termination Requests Orders for Brett Cordes, MD; Jeffrey Glass, MD; Rachel Kientcha-Tita, MD; Ventatesh Madhav, MD; Darius Peikari, MD; Michael Pendleton, MD; Kelly Turner, MD; and Ziaullah Virk, MD.**

**Agenda Item #8, Consideration and approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders.** There were none.

**Agenda Item #9, Consideration and approval of Cease and Desist Orders.** After consideration, **Mr. Cokinos moved, Dr. DeLoach seconded, and the motion passed to approve the Cease and Desist Order for Mike Clark, PhD.**

**Agenda Item #10, Consideration and approval of Nunc Pro Tunc Orders.** There were none.

**Agenda Item #11, Consideration and approval of Agreed Resolution Orders.** There were none.

**Agenda Item #12, Consideration and approval of Consent Orders.** There were none.

**Agenda Item #13, Consideration and approval of Determination of Default.**

**a. Hugh Scott Pharies, M.D., SOAH Docket \$503-23-17431.MD**

Amy Swanholm, JD, Litigation/Enforcement Support Manager, gave a brief overview of the case. Dr. Pharies was not present, and no one was present on his behalf. After consideration, **Dr. Martinez moved, Dr. Distefano seconded and the motion passed to accept the Determination of Default for Hugh Scott Pharies, MD.**

**Agenda Item #14, Consideration and approval of Proposal for Decision.**

**a. Jorge Guevara, M.D., SOAH Docket #503-23-1237. MD**

Nadia Burns, JD, Staff Attorney, gave a brief overview of the case. Dr. Guevara was present and John Rivas, JD, was present on his behalf.

*At 9:12 am, Dr. Zaafran moved and Dr. Farmer seconded to go into Executive Session for the purpose of 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. The motion passed.*

*Open session resumed at 9:54 am.*

Dr. Naidu logged off at 9:54 am.

After consideration, **Dr. Farmer moved, Ms. Herod seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law as recommended by the Administrative Law Judge in the Proposal of Decision and approve the suggested Final Order filed in this matter by Board Staff,**

**except for the following changes: delete CME requirement and add a requirement to complete the Probe Program Plus through the CPEP program.**

**Agenda Item #15, Executive Director Report.**

**Internal Audit Update.** Mr. Daniel Graves presented the Internal Audit Report. After discussion, **Dr. Zaafran moved, Dr. Farmer seconded, and the motion passed to approve the Internal Audit Report.**

**Budget Update.** Mr. Joey Estrada, CFO, provided the Budget Update through the end of July.

**Board Graphic.** Mr. Carlton presented the board graphic report.

**Complaints Against the Agency** There were none.

**Legislative Update.** Mr. Carlton gave an update on the budget approved and bills passed during the legislative session.

**Rule Update.** Nothing to report.

**Agenda Item #16, Medical Director Report.** Dr. Bredt provided an update on the changes to the Expert Panelist process.

**Agenda Item #17, Public Information Update.** Nothing to report.

**Agenda Item #18, Report Physician Assistant Liaison.** Ms. Melinda Gottschalk, PA-C, was present.

**Agenda Item #19, Consideration and possible action regarding pending litigation.** Mr. Freshour gave a report on pending litigation.

**Agenda Item #20, Report on Temporary Suspension Hearings.** A report on Temporary Suspension Hearings was provided.

**Agenda Item #21, Report on Suspensions by Operation of Law.** A report on Suspension by Operation of Law was provided.

**Agenda Item #22, Report on Motions for Rehearing Requests.** A report on Rehearing Requests was provided.

**Agenda Item #23, 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 #24, Report on Automatic Revocation Letters by Executive Director.** A report on Automatic Revocation Letters by Executive Director was provided.

**Agenda Item #25, Report on Automatic Orders.** A report on Automatic Orders was provided.

**Agenda Item #26, Report of Cancellations regarding Investigations.** There were none.

**Agenda Item #27, Consideration and approval of Orders to Show Cause.** There were none.

There were no items for Agenda Items #28-34.

Dr. Naidu returned at 10:30 am.

**Agenda Item #35, Open Forum for Public Comment.** Julia H, Arwyn Heilrayne, Harlan Carroll, Samuel P. Rives, and Julie Lacey gave public comments.

**Agenda Item #36, 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 June 9, 2023, 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. DeLoach seconded, and the motion passed to approve the June 9, 2023, Medical Board Meeting Minutes and action items, as well as the minutes and action items of committees meeting during the board meeting.**

**Agenda Item #37, Adjourn.** There being no further items, **Dr. Farmer moved, Ms. Barnes seconded, and the motion passed to adjourn the meeting at 10:44 a.m.**