



# Texas Medical Board

## BOARD MEETING

October 14, 2022

The meeting was called to order on Friday October 14, 2022 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; 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.; Jason Tibbels, M.D.; Ebony V. Todd, J.D.; and David Vanderweide, M.D. Devinder S. Bhatia, M.D. was not present. 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.**

**Resolution – Arun Agarwal.** Dr. Zaafran recognized Mr. Agarwal for his work on the board and thanked him for his service. A Resolution will be sent to Mr. Agarwal.

**Agenda Item #3, Consideration and possible action for dispositions below minimum guidelines.** After discussion, **Dr. DeLoach moved, Mr. Cokinos seconded, and the motion passed to approve the disposition below minimum guidelines for Pavan Pinnamaneni, M.D.**

**Agenda Item #4, Consideration and approval of Mediated Settlement Agreed Orders.** After consideration, **Dr. Quinones moved, Dr. Farmer seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Walter George Osborne, M.D. and Roger W. Boatwright, M.D.**

**Agenda Item #5, Consideration and possible action for Remedial Plans.** After consideration, **Mr. Cokinos moved, Dr. Vanderweide seconded, and the motion passed to approve the Remedial Plans for Michael P. Applewhite, D.O.; Donald Blair, Jr. M.D.; Jean Louis Bombach. M.D.; Jennifer Nguyen, M.D.; Boris J. Porto, M.D.; Shama Rasheed, M.D.; Vishal Nemarugommula, M.D.; Sujeet Acharya, M.D.; Ramon Colon-Dordal, M.D.; Gordana Gligoric, M.D.; Gabriela Hunko, M.D.; Madhave Kanakamedala, M.D.; Tiffany Nicole Latham, M.D.; Marcus Lines, M.D.; Nathan Paul Long, M.D.; Timothy S. Martin, M.D.; William M. McBroom, M.D.; Robert Nason, M.D.; Cheryl Ann Richards, D.O.; Janice L. Sillas, M.D.; Jennifer D. Trinh, D.O.; Robert F. Yerrington, M.D.; Tamar Fay Brionez, M.D.; Gary E. Goff, M.D.; Steven E. Longacre, M.D. (Dr. Tibbels recused); Bruce Edward Maniet, D.O.; Rakesh R. Patel, D.O.; Annie Varughese, M.D.; and Won Yi, D.O.**

**Agenda Item #6, Consideration and possible action for Agreed Orders.** After consideration, **Dr. Nayak moved, Dr. Distefano seconded, and the motion passed to approve the Agreed Orders for Xahra Piya Ali, M.D.; Gerald P. Gibson, Jr., M.D.; La Tania Akers-White, M.D.; William L. Doss,**

**III, M.D.; Parvez M. Fatteh, M.D.; Adriano Enrico Goffi, M.D.; Mamon Yehya Maiteh, M.D.; Virgil McMillion, D.O.; Norman M. Ramirez, M.D.; Mervyn J. Klein, M.D.; Murray Alan Snook, M.D.; and Mark David Young, M.D.**

**Agenda Item #7, Consideration and approval of Modification Request/Termination Request Orders.** After consideration, **Mr. Gracia moved, Dr. Vanderweide seconded, and the motion passed to approve the Modification Request/Termination Request Orders for David Scott Burkett, M.D.; Anthony Fabro Garcia, M.D.; Germaine Hawkins, D.O.; John B. Heinrich, M.D.; Michael Ruggiero, D.O.; and James Michael Wilson, M.D.**

**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, **Ms. Barnes moved, Ms. Morgan seconded, and the motion passed to approve the Cease and Desist Orders for Luz A. Barboza; Carolyn M. Flanary, DDS; Jeffrey B. Hubbard, M.D.; and Caulen Lauria.**

**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.** There were none.

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

**a. Roderick Lee Mitchell, M.D., SOAH #503-20-4040.MD**

Michelle McFaddin, Staff Attorney, gave a brief overview of the case. Dr. Montoya was present and gave a statement. After consideration, **Dr. Tibbels moved, Dr. Farmer 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 Roderick Lee Mitchell, M.D. and to adopt the staff recommended Final Order.**

**b. Robert Hadley Gross, M.D., SOAH #503-21-2822**

Michelle McFaddin, Staff Attorney, gave a brief overview of the case. Dr. Gross was present. Tommy Swate was present on his behalf and gave a statement. After consideration, **Dr. Distefano moved, Ms. Morgan 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 Robert Hadley Gross, M.D. and to find Dr. Gross eligible for licensure subject to restrictions proposed by board staff.**

Dr. Tibbels stepped away at 9:15 for 15 minutes.

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

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

**Board Graphic** Mr. Carlton presented board stats on cases investigated.

**Complaints Against the Agency** Mr. Carlton presented the complaints against the agency.

**Building Update** Mr. Carlton reported that the agency will be making its move to the new building on October 24<sup>th</sup>.

Dr. Distefano lost connection at 9:33 am and returned at 9:47 am.

**Agenda Item #16, Medical Director Report.** Dr. Bredt reported that DPRC approved new experts and that the agency is going through all experts to ensure they are active. Dr. Bredt reported on the specialties with acute and major needs and welcomed recommendations.

**Agenda Item #17, Public Information Update.** Ms. Taurie Sloan gave a public information update.

**Agenda Item #18, Report Physician Assistant Liaison.** Ms. Janeth Mills was present and reported that the Physician Assistant board meeting was moved from November 4th to November 17th.

**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.** There were none.

**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.

There were no items for Agenda Items #24-29.

There were no items for Agenda Items #31-35.

**Agenda Item #36, Open Forum for Public Comment.** Sheila Hemphill, Texas Right to Know, and Dorothy Cox gave public comments.

*At 12:35 pm, Dr. Quinones moved, Mr. Cokinis 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 12:52 pm, and it was announced no action was taken during executive session. A certified agenda of the executive session was made.*

**Agenda Item #30, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C.**

**a. Chapter 195 Pain Management Clinics**

After discussion, Dr. Quinones moved, Ms. Barnes seconded, and the motion passed to adopt the proposed rule amendments to 22 T.A.C, Chapter 195 Pain Management Clinics, with changes as outlined by staff.

**Agenda Item #37, 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 August 19, 2022, Medical Board Meeting Minutes and actions items.**
- 2. Consideration and approval of the August 18, 2022, Finance Committee Minutes and actions items.**
- 3. Committee reports and the consideration and approval of minutes and action items committees meeting during the board meeting.**

After discussion, **Ms. Barnes moved, Dr. Distefano seconded, and the motion passed to approve the August 19, 2022, Medical Board Meeting Minutes and action items, August 18, 2022, Finance Committee Minutes and actions item, as well as the minutes and action items of committees meeting during the board meeting.**

**Agenda Item #38, Adjourn.** There being no further items, **Mr. Cokinos moved, Dr. Naidu seconded, and the motion passed to adjourn the meeting at 1:00 p.m.**