



Texas Medical Board

BOARD MEETING

March 3, 2023

The meeting was called to order on Friday March 3, 2023 at 8:05 a.m. by Board President Sherif Zaafran, M.D. Board members present were: 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.; Manuel Quinones, Jr., M.D.; Jason Tibbels, M.D.; and David Vanderweide, M.D. Board members not present were Kandace B. Farmer, M.D.; Michael Cokinos; Satish Nayak, M.D. and Ebony V. Todd, J.D. Staff members present were: Brint Carlton, J.D., Executive Director; Robert Brecht, 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. Dr. Zaafran reported on the current legislative session.

Agenda Item #3, Consideration and possible action for dispositions below minimum guidelines. After discussion, **Dr. Quinones moved, Dr. Distefano seconded, and the motion passed to approve the disposition below minimum guidelines for Kenneth Dott, D.O.; Stephanie Menes, M.D.; Katherine Thompson, M.D.; and Brian Nwannunu, M.D.**

Agenda Item #4, Consideration and approval of Mediated Settlement Agreed Orders. After consideration, **Mr. Gracia moved, Dr. Bhatia seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Chaim Banjo, M.D. and Raleigh Smith, III, M.D.**

Ms. Barnes joined the meeting at 8:10 AM.

Agenda Item #5, Consideration and possible action for Remedial Plans. After consideration, **Dr. Bhatia moved, Dr. Martinez seconded, and the motion passed to approve the Remedial Plans for Bobby P. Huynh, M.D.; Amy Offutt, M.D.; Mauro Provencio, M.D.; Sylvester Ramirez, M.D.; Michael Sebesta, M.D.; Candice DeMattia, M.D. (Dr. Bhatia recused); Jason DeMattia, M.D. (Dr. Bhatia recused); Mitchell Finnie, M.D.; Marco Munoz, M.D.; Murtaza Mussaii, D.O.; Dung Nguyen, M.D.; Kozhava Sokhon, M.D. (Dr. Bhatia and Dr. Zaafran recused); Martin Arisco, M.D.; Phillip Aronoff, M.D.; Julie Bernell, M.D.; Marc Richard Dean, M.D.; Sully Anne Drotar, D.O.; Dale Pan Hsieh, M.D.; Michael Kelly, D.O.; Damien W. Kinzler, D.O.; Sunil Kurun, M.D.; Isaac K. Kwateng, D.O.; Michael Lesem, M.D.; Robert Maul, D.O.; Theophilus Ogungbamigbe, M.D.; Tran Pham, D.O.; Varun Rachakonda, M.D.; Sweetie Rai, M.D.; Marcello Telles, M.D.; Sally Thomas, M.D.; Steven Vacek, M.D. (Dr. Tibbels recused); James Gabriel, M.D.; Madiha Ghavas, M.D.; Richard Gibekyou, M.D.; MaryAnn T. Ty, M.D.; Jose Ugarte, M.D.; and Ememobong Ubom, M.D.**

Agenda Item #6, Consideration and possible action for Agreed Orders. After consideration, **Dr. De Loach moved, Dr. Vanderweide seconded, and the motion passed to approve the Agreed**

Orders for Valentin Almendarez, M.D.; Robert Elroy Vasquez, M.D.; Adam G. Arrendondo, M.D.; Stanley Sam, M.D.; David Lee Sneed, D.O.; Kelly Kaesler, M.D.; Estella Robinson, M.D.; Benjamin Adams, D.O.; Carl Bonnet, M.D.; Ira Keith Ellis, M.D.; Robert A. Kilpatrick, M.D.; John Tuan Nguyen, M.D.; Joseph Rizzo, M.D.; Jeremiah Havins, M.D.; Jorge Maldonado, M.D.; Thomas Tran, M.D.; Balmore Williams, M.D.; Muhammad Afzal, M.D.; Wael Aboughali, M.D.; John Christensen, D.O.; Dora Due Logue, M.D.; Dominic Sreshta, M.D.; and Stephanie Abron, M.D.

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 Request/Termination Request Orders for Uchenna Aduba, M.D.; Carlos A. Barba, M.D.; Joel Joselevitz, M.D.; Leovares Mendez, M.D.; and Jack Smith, III, M.D.** One other item was pulled for discussion in Executive Session.

At 8:16 am, Dr. Zaafran moved, Dr. Tibbels 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 8:53 am, and it was announced no action was taken during executive session. A certified agenda of the executive session was made.

Ms. Morgan joined the meeting at 8:26 AM.

After consideration, **Ms. Morgan moved, Dr. Bhatia seconded, and the motion passed to deny the Modification Request/Termination Request Order for Dennis Phuong Doan, 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. Morgan moved, Dr. De Loach seconded, and the motion passed to approve the Cease and Desist Orders for Joe Freudenberger, CEO; Joseph Poepplein; Marisol (Castillo) Rodriguez; and Edit Sapir.**

There were no items for Agenda Items #10-12.

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

A. Pohn Paul Inthanousay, D.O., SOAH #503-23-01981.DO

Ms. Amy Swanholm, Litigation Manager, gave a brief overview of the case. Dr. Inthanousay was not present, and no one was present on his behalf. After consideration, **Dr. Bhatia moved, Ms. Barnes seconded, and the motion passed to adopt the Determination of Default for Pohn Paul Inthanousay, D.O.**

There were no items for Agenda Item #14.

Agenda Item #15, Executive Director Report.

Budget Update Mr. Joey Estrada, CFO, gave an update on the budget. Mr. Carlton gave an update on the budget request presented to the legislature.

Board Graphic Mr. Carlton presented board statistics on cases investigated.

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

Agenda Item #16, Public Information Update. Ms. Taurie Sloan, Government Affairs Manager, gave an update on the current legislative session.

Agenda Item #17, Report Physician Assistant Liaison. There was nothing to report.

Agenda Item #18, Consideration and possible action regarding pending litigation. Ms. Wendy Pajak and Ms. Sarah Tuthill, Assistant General Counsels, gave a report on pending litigation.

Agenda Item #6, Consideration and possible action for Agreed Orders. Agenda Item #6 was reopened for consideration of an additional item. After discussion, **Ms. Herod moved, Dr. Quinones seconded and the motion passed to approve the agreed order for Lee S. Pollack, M.D.**

Agenda Item #19 Report on Temporary Suspension Hearings. A report on Temporary Suspension Hearings was provided.

Agenda Item #20, Report on Suspensions by Operation of Law. There were none.

Agenda Item #21, Report on Motions for Rehearing Requests. There were none.

Agenda Item #22, 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 #23, Report on Automatic Revocation Letters by Executive Director. A report on Automatic Revocation Letters by Executive Director was provided.

There were no items for Agenda Items #24-26.

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

Agenda Item #35, Open Forum for Public Comment. Ms. Kristi McGarity and Ms. Sheila Hemphill, Texas Right to Know, provided 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 December 9, 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. Bhatia moved, Ms. Barnes seconded, and the motion passed to approve the December 9, 2022, Medical Board Meeting Minutes and action items and minutes and action items of committees meeting during the board meeting.**

Agenda Item #27, Consideration and approval of Revised, Vacated, or Amended Orders. After Consideration, **Dr. Bhatia moved, Ms. Barnes seconded, and the motion passed to rescind the previous order and approve the Amended Order for Carolyn Flanary, DDS.**

Agenda Item #37, Adjourn. There being no further items, **Dr. Bhatia moved, Dr. Martinez seconded, and the motion passed to adjourn the meeting at 9:52 am.**