



Texas Medical Board

BOARD MEETING

MINUTES

DECEMBER 7, 2018

The meeting was called to order on Friday, December 7, 2018 at 8:09 a. m. by Board President, Sherif Z. Zaafran, M.D. Board members present were: Sharon Barnes, Michael E. Cokinos, George L. De Loach, D.O., Frank S. Denton, Kandace B. Farmer, D.O., Robert Gracia, J. Scott Holliday, D.O., Margaret McNeese, M.D., Linda Molina, J.D., LuAnn Morgan, Karl W. Swann, M.D., David G. Vanderweide, M.D., and Timothy Webb, J.D. Board members not present were Jeffrey Luna, M.D., Roberto D. Martinez, M.D., Jayaram B. Naidu, M.D., Manuel “Manny” Quinones, Jr., M.D., and Surendra K. Varma, M.D. Board staff present were: Executive Director, Stephen “Brint” Carlton, J.D.; General Counsel, Scott Freshour, J.D.; Medical Director, Robert Bredt, M.D.; Governmental Affairs and Public Information Manager, Megan Goode; Assistant General Counsels, Wendy Pajak, J.D., Amy Swanholm, J.D., Sarah Tuthill, J.D., and Yvette Yarbrough, J.D.; 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 gave a report about the TXPHP program. He also spoke about how CDC guidelines and MME guidelines should be applied to chronic pain patients versus acute pain patients. Further, he also spoke about supervision at medical spas.

Additionally, Dr. Anand Mehendale, M.D., from TX PHP, spoke about the program and his desire for more communication between TMB and TXPHP.

Agenda item #3, Consideration and Approval of Mediated Settlement Agreed Orders. After consideration, **Dr. McNeese moved, and Ms. Morgan seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Riaz S. Mazcuri, M.D.; Maureen L. Adair, M. D.; Robert F. Yerrington, M.D.; Terry D. Madsen, M.D.; and Hector E. Tamayo, M.D.**

Agenda item #4, Consideration and approval of Remedial Plans. After consideration, **Ms. Morgan moved, Dr. Quinones seconded, and the motion passed to approve the Remedial Plans for Mark R. Bielefeld, M.D.; Jerry F. Castilleja, M.D.; Satish Chandraprakasam, M.D.; Jorge Guerrero, M.D.; Lovelesh K. Manocha, M.D.; Rachel R. Myers, M.D.; George R. Nissan, D.O.; James W. Pickens, M.D.; Dannie E. Williams, M.D.; Carlos A. Cardenas, M.D.; Elizabeth Anne Hall, M.D.; Steven Eric Hearne, M.D.; Patrick Earl Johnson, M.D.; Francisco Macedo, M.D.; Phyllis C. Okereke, M.D.**

After consideration, **Dr. Holliday moved, Mr. Webb seconded, and the motion passed to approve the Remedial Plan for Randall W. Rodgers, D.O.**

Agenda item #5, Consideration and Possible Action for Agreed Orders. After consideration, **Dr. Holliday moved, Dr. Farmer seconded, and the motion passed to approve the Agreed Orders en masse for Angel Claudio, M.D.; John C. Ferrell, M.D.; John M. Palmer, M.D.; Kelly E. Robinett, M.D.; Rolando Hinojosa, M.D.; Amer Malas, M.D.; Reginald J. Newsome, M.D.; Kurt L. Pflieger, M.D.; Bino V. Oommen, M.D.; Lauren A. Murray, M.D.; John A. Pickel, M.D.; Chandra Annapureddy, M.D.; Joseph King, M.D.; John Tai Dang, M.D.; and Randy John Davis, D.O.**

After discussion, **Mr. Cokinos moved, Mr. Webb seconded, and the motion passed to approve the Agreed Order for Phillip Wayne Jones, M.D.**

Agenda item #6, Consideration and approval of Modification Request/Termination Request Orders. After consideration, **Dr. Holliday moved, Ms. Barnes seconded, and the motion passed to approve the Modification Request/Termination Request Orders for Richard T. Ethridge, M.D.; William B. Garner, M.D.; Dale L. Messer, M.D.; Tonya Y. Perkins, M.D.; Robert P. Ryan, M.D.; Randall D. Walker, M.D.; Bruce R. McFarland, M.D.; Arthur Hernandez, M.D.**

Agenda item #7, Consideration and approval of Cease and Desist Agreed Orders. After consideration, **Dr. Quinones moved, Mr. Webb seconded, and the motion passed to approve the Cease and Desist Agreed Order for Tonya Turner, APN.**

There were no items for Agenda item #8

Agenda item #11, Executive Director Report. Mr. Carlton gave a report about Telehealth. He also gave an update on the current Sunset review.

Budget Update - Ms. Corrales gave a report on the budget and stated that we are on track with our agency budget.

Legislative Update Ms. Goode gave an update on the Sunset review.

Agenda Item #9, Consideration and approval of Determinations of Default. After consideration, **Dr. Holliday moved, Mr. Cokinos seconded, and the motion passed to approve the Determination of Default for Mihaela Cristina Harea, M.D.**

Agenda item #10 Consideration and approval of Proposal for Decisions.

a. Adeniran Abraham Ariyo, M.D., SOAH #503-16-3383.MD

Heather Barham, J.D., staff attorney, was present. Respondent, Adeniran Ariyo, M.D., was not present, and no one was present to represent Dr. Ariyo. Ms. Barham gave a presentation. After consideration, **Mr. Denton moved, Dr. Holliday seconded, and the motion passed to adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Adeniran Abraham Ariyo, M.D., and to adopt the staff's final order for dismissal.**

b. Robert Charles Lowry M.D., SOAH #503-17-5961.MD

Michelle McFaddin, J.D., staff attorney, was present. Respondent, Robert Lowry, M.D., was present with his attorney Mark Sayos, J.D. Both Ms. McFaddin and Dr. Lowry/Mr. Sayos made a presentation. After consideration, **Mr. Denton moved, Mr. Webb seconded, and the motion passed to a adopt the Findings of Fact and the Conclusions of Law of the Administrative Law Judge in the Proposal for Decision for Robert Charles Lowry, M.D., and to adopt the staff's final order.**

Agenda item #12, Medical Director Report. Dr. Bredt gave a report on board experts.

Agenda item #13. Public Information Update. Ms. Goode gave a report.

Agenda Item #32 at 9:45 a.m., Open forum for public comments. Dr. CM Schade, Mr. Vasu Behara, Representative Bill Zedler, Ms. Sheila Hemphill, Dr. Wesley Foreman, Mr. Chris Wohleb, Ms. Roseanne Terry, and Ms. Teffanni Brossette signed in and made public comments.

Agenda Item #14, Report Physician Assistant Liaison. Melinda Gottschalk, PA-C stated she had no updates and thanked the Board for including them in the meeting.

Agenda item #15, Consideration and possible action regarding pending litigation. Mr. Freshour provided an update on actions regarding pending litigation.

Mr. Cokinos moved, Dr. Quinones seconded, and the motion passed to go into Executive Session at 10:55 a.m. 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. Open session resumed at 11:14 a.m. and it was announced that no action was taken.

Agenda item #16, Report on Temporary Suspension Hearings. Mr. Freshour gave a report on the Temporary Suspension hearings.

Agenda item #17, Report on Motions for Rehearing Requests. Mr. Freshour gave a report on motions for rehearing requests.

Agenda item #18, Report of Suspension by Operation of Law. Mr. Freshour gave a report on suspensions by operation of law.

Agenda item #19, Report on Cease and Desist Orders approved by Executive Director. Mr. Freshour gave an update on cease and desist orders approved by the Executive Director.

There were no items for Agenda items #20-25.

Agenda item #26. Discussion, recommendation, and possible action regarding proposed rule amendments and rules review to 22 T.A.C. Chapter 175. Fees and Penalties §175.2 Registration and Renewal Fees.

Ms. Tuthill, Assistant General Counsel, presented a brief summary and review of the proposed rule amendments for publication in the Texas Register for public comment. After discussion, **Dr. Quinones moved, Ms. Barnes seconded, and the motion passed to public the proposed rule amendments in the Texas Register.**

There were no items for Agenda items #27-31.

CONSENT AGENDA

Discussion/Action Items – to be considered at any time the full board is in session:

Mr. Webb moved, Ms. Barnes seconded, and the motion passed to approve the Consent Agenda items:

- 1. The August 24, 2018 Board Meeting Minutes and action items.**

After consideration, **Mr. Webb moved, Ms. Barnes seconded, and the motion passed to approve the August 24, 2018 Board meeting minutes and action items.**

- 2. The October 18, 2018 Finance Committee minutes and action items; the October 18, 2018 Licensure Committee minutes and action items; and the October 18, 2018 Disciplinary Process Review Committee (DPRC) minutes and action items.**

After consideration, **Dr. McNeese moved, Dr. Quinones seconded, and the motion passed to approve the October 18, 2018 DPRC minutes and action items, with one correction (two appeals under Agenda Item #11B – Log #18-8899 and #18-9101 – to be granted).**

After consideration, **Mr. Webb moved, Dr. Martinez seconded, and the motion passed to approve the October 18, 2018 Finance Committee minutes and action items, and the October 18, 2-18 Licensure Committee minutes and action items.**

Agenda item #33, Adjourn. There being no further agenda items, **Mr. Webb moved, Dr. Quinones seconded, and the motion passed to adjourn the meeting at 11:22 a.m.**