



Texas Medical Board

BOARD MEETING

June 9, 2023

The meeting was called to order on Friday June 9, 2023 at 8:05 a.m. by Board President Sherif Zaafran, M.D. Board members present were: Kandace B. Farmer, M.D.; Michael Cokinos; Sharon Barnes; Devinder S. Bhatia, M.D.; George L. DeLoach, D.O.; James Distefano, D.O.; Robert Martinez, M.D.; Jayaram B. Naidu, M.D.; Satish Nayak, M.D.; Manuel Quinones, Jr., M.D.; Jason Tibbels, M.D.; and David Vanderweide, M.D. Board members not present were Robert Gracia; Tomeka Herod; LuAnn Morgan, and Ebony V. Todd, J.D. Staff members present were: Brint Carlton, J.D., Executive Director; 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. Dr. Zaafran and Mr. Carlton gave a brief update on the Legislative Session that just ended.

Agenda Item #3, Presentation, recommendation, and possible action relating to Internal Audit. Daniel Graves, CPA, Internal Auditor, presented the Internal Audit Status Report.

Agenda Item #4, Consideration and possible action for dispositions below minimum guidelines. After discussion, **Dr. Bhatia moved, Dr. Quinones seconded, and the motion passed to approve the disposition below minimum guidelines for Joe Bob Alexander, M.D.; Ronald Frederick Baker, M.D.; Amir Baluch, M.D.; Lourdes Bosquez, M.D.; Eyoel Abebe, M.D.; and Don West, M.D.**

Agenda Item #5, Consideration and approval of Mediated Settlement Agreed Orders. After consideration, **Dr. Distefano moved, Dr. Vanderweide seconded, and the motion passed to approve the Mediated Settlement Agreed Orders for Jerome M. Adams, M.D.; Renato Geralde, D.O.; Daniel A. Mackay, M.D.; Frederico Roman Ng, M.D.; and Alexander M. Ochoa, M.D.**

Agenda Item #6, Consideration and possible action for Remedial Plans. After consideration, **Dr. Bhatia moved, Dr. Vanderweide seconded, and the motion passed to approve the Remedial Plans for James Douglas Cable, M.D.; Scott Stewart Carpenter, D.O.; Manisha M. Desai, M.D.; Zhen Fan, M.D.; Martin Edward Gilliland, M.D.; Thu Hoang, M.D.; George Mina Khalil, M.D.; Frank Byoung Lee, M.D.; Phillip DK Lee, M.D.; Shannon Sartor Livingston, M.D.; Humberto Maldonado, Jr., M.D.; Kristen Brozena Shah, M.D.; Abdul-Wahab Shararah, M.D.; Alan Douglas Silberberg, M.D.; Clyde Deitrich Smith, M.D.; Zhe Song, M.D.; Gene Woo Yee, M.D.; Derek Witteman, D.O.; Charles E. Addington, II, D.O.; Micah Lynn Boyer, M.D.; Thomas J. Cornell, M.D.; John Day, M.D.; Michael P. Dunnigan, M.D.; John Robert Esters, M.D.; Difu Guan, M.D.; Timothy Irvine, M.D.; Kristin Jarzombek, M.D.; Mary Wade Martin, M.D.; Twinkle Myint, M.D.; Anthony Owusu, Jr., M.D. (Dr. Bhatia recused); Richard Marvin Slone, M.D.; Ralph James Turner, M.D.; Luis Valencia, M.D.; Paula S. Vogel, M.D.; Eliot Martin Wickliff, M.D.; Dale Yoo,**

M.D.; Mohammad Alam, M.D.; Louis Coates, D.O.; Jean Joseph-Vanderpool, M.D.; Jianhuan Meng, M.D.; and Stylianos Sideris, M.D.

Agenda Item #7, Consideration and possible action for Agreed Orders. After consideration, Dr. Naidu moved, Dr. Nayak seconded, and the motion passed to approve the Agreed Orders for Alex De Jesus, M.D.; James Kevin Kaufman, M.D.; Randall Emmett Morris, M.D.; Marshall Lynn Haden, M.D.; Sekhar Rao, M.D.; Farhaad R. Riyaz, M.D.; Gregory Scott Roth, M.D.; Mark Brian Buckner, M.D.; Patrick William Slater, II, M.D.; Timothy Clark Bray, D.O.; Morton Isaac Hyson, M.D.; Mohammad Khalil, M.D.; Racishankar S. Konchada, M.D.; Wayne Wei-The Liou, M.D.; James Manning, M.D.; George Daisuke Momii, M.D.; Trung Nam Nguyen, D.O.; Amir M. Qureshi, M.D.; Marcos Navarro Sunga, M.D.; Joe Timothy Travis, M.D.; Elizabeth M. Trinidad, M.D.; Charles Anderson, M.D.; Stefano Cazzaniga, M.D.; Jose Ambrosio Escandon, M.D.; Ray Trey Fulp, D.O.; George Jones, M.D.; Winifred King, M.D.; Naveendra Korivi, D.O.; Melissa Battiest Miller, M.D.; Beryl Lynn Randolph, M.D.; Daniel Robert Theesfeld, M.D.; David Lendon Tyler, M.D.; Ali Alalwan, M.D.; and Emad Mikhail Bishai, M.D.

Agenda Item #8, Consideration and approval of Modification Request/Termination Request Orders. After consideration, Dr. Vanderweide moved, Dr. Distefano seconded, and the motion passed to approve the Modification Request/Termination Request Orders for Fernando Avila, M.D.; Howard L. Boland, M.D.; Don Arthur Enty, M.D.; Mark Ettinger, M.D.; Erica Grant, M.D.; Robert Victor Hallett, M.D.; Virgil Waid McMillion, D.O.; and Felix Nabor Sabates, Jr., M.D.

Agenda Item #9, Consideration and approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders. There were none.

Agenda Item #10, Consideration and approval of Cease and Desist Orders. After consideration, Ms. Barnes moved, Dr. Farmer seconded, and the motion passed to approve the Cease and Desist Orders for Tracey Guajardo and Philip C. Hinkle, RN.

There were no items for Agenda Items #11-13.

Agenda Item #14, Consideration and approval of Determination of Default.

A. Cary Fetcher, M.D., SOAH #503-23-11663.MD

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

Dr. DeLoach joined the meeting at 8:43 am.

Agenda Item #15, Consideration and approval of Proposal for Decision.

a. Kenneth D. Haygood, M.D., SOAH Docket #512-21-1181.MD

Mr. Shane Nelder, Staff Attorney, gave a brief overview of the case. Dr. Haygood was present and provided a statement. After consideration, **Ms. Barnes 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, and approve the suggested Final Order filed in this matter by Board Staff.**

b. Donna Elaine Winingham, M.D., SOAH No. 503-22-2215.MD

Ms. Swanholm gave a brief overview of the case. Dr. Winingham was not present and no one was present on her behalf. After consideration, **Mr. Cokinos 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, and approve the suggested Final Order filed in this matter by Board Staff.**

c. Tara Netter, M.D., SOAH Docket #503-21-1856.MD

Mr. Nelder gave a brief overview of the case. Dr. Netter was present and provided a statement. After consideration, **Ms. Barnes moved, Dr. Bhatia 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, and approve the suggested Final Order filed in this matter by Board Staff.**

Agenda Item #36, Open Forum for Public Comment. Ms. Linda Bailey provided public comments.

Agenda Item #16, Executive Director Report.

Budget Update Mr. Joey Estrada, CFO, gave an update on the budget and the legislative appropriations request.

Board Graphic

Complaints Against the Agency

Legislative Update

Rule Update

Agenda Item #17, Medical Director Update. Dr. Bredt gave an update on expert panelists approved by DPRC, current panelist needs, and current backlog.

Agenda Item #18, Public Information Update. Ms. Taurie Sloan, Government Affairs Manager, gave an update on the legislative session.

Agenda Item #19, Report Physician Assistant Liaison. There was nothing to report.

Agenda Item #20, Consideration and possible action regarding pending litigation. Mr. Scott Freshour, General Counsel, gave a report on pending litigation.

Agenda Item #21, Report on Temporary Suspension Hearings. A report on Temporary Suspension Hearings was provided.

Agenda Item #22, Report on Suspensions by Operation of Law. A report on Suspensions by Operation of Law was provided.

Agenda Item #23, Report on Motions for Rehearing Requests. There were none.

Agenda Item #24, Report on Cease and Desist Orders Approved by Executive Director. There were none.

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

There were no items for Agenda Items #26-27.

Agenda Item #28, Consideration and approval of Revised, Vacated, or Amended Orders.

After consideration, **Ms. Barnes moved, Dr. Bhatia seconded, and the motion passed to vacate the order for Dominic Shreshta, MD.**

After consideration, **Ms. Barnes moved, Dr. Distefano seconded, and the motions passed to accept the corrected order for Dominic Shreshta, MD.**

There were no items for Agenda Items #29-35.

At 9:43 am, Dr. Quinones moved and Ms. Barnes seconded to go into Executive Session for the purpose of deliberations concerning personnel matters under the authority of the Open Meetings Act Section 551.074, Government Code.

Open session resumed at 10:04 am.

Agenda Item #37, Discussion, recommendation, and possible action relating to personnel matters. After discussion, **Dr. Tibbels moved, Ms. Barnes seconded, and the motion passed to raise the salary of the Executive Director to the maximum allowed by the state General Appropriations Act, effective September 1.**

Consent Agenda, Discussion/Action Items – to be considered and any time the full board is in session:

- 1. Consideration and approval of the March 3, 2023, Medical Board Meeting Minutes and actions items.**

After discussion, **Dr. Bhatia moved, Dr. Barnes seconded, and the motion passed to approve the March 3, 2023 Medical Board Meeting Minutes and action items.**

- 2. Committee reports and the consideration and approval of minutes and action items committees meeting during the board meeting.**

Action item 22-0479 was pulled for discussion. After discussion, **Dr. Zaafran moved, Dr. Quinones seconded, and the motion passed to amend the DPRC action item for case 22-0479 and return case 22-0479 to an expert panel to opine on specific medication usage and dosage. Dr. Bhatia recused.**

Agenda Item #38, Adjourn. There being no further items, **Dr. Bhatia and Ms. Barnes moved, Dr. Farmer seconded, and the motion passed to adjourn the meeting at 10:29 am.**