

**TEXAS MEDICAL BOARD**  
**MINUTES OF THE**  
**DISCIPLINARY PROCESS REVIEW COMMITTEE**  
August 24, 2017

Sherif Z. Zaafran, M.D. called the meeting to order at 9:07 a.m. Other members present were Julie K. Attebury, James “Scott” Holliday, D.O., Jeffrey Luna, M.D., LuAnn Morgan, and Surendra K. Varma, M.D. Committee members Margaret C. McNeese, M.D., Karl W. Swann, M.D., Stanley S. Wang, MD, and George Willeford III, M.D were not present.

Staff members present were Scott Freshour, Interim Executive Director, Robert Bredt, M.D., Medical Director, and various other staff.

**Agenda Item #2.** Discussion, recommendation, and possible action regarding referrals from the Texas Physician Health Program (PHP).

**Dr. Varma moved, and Dr. Holliday seconded that PHP Case #1 remain under the management of PHP. Motion carried.**

**Dr. Holliday moved, and Dr. Varma seconded that PHP Case #2 be returned to the jurisdiction of the Texas Medical Board for an ISC and be evaluated for a temporary suspension. Motion carried.**

**Dr. Holliday moved, and Ms. Attebury seconded that PHP Case #3 remain under the management of PHP. Motion carried.**

**Dr. Varma moved, and Dr. Holliday seconded that PHP Case #4 remain under the management of PHP and to reach out to the licensee, with a 30 day deadline, for an agreement for TXPHP to be the primary monitor. If the licensee does not respond or does not agree, the case is to be returned to the jurisdiction of the Texas Medical Board for an ISC and be evaluated for a temporary suspension. Motion carried.**

**Dr. Holliday moved, and Dr. Varma seconded that PHP Case #5 be returned to the jurisdiction of the Texas Medical Board for an ISC and be evaluated for a temporary suspension or revocation. Motion carried.**

**Dr. Varma moved, and Dr. Luna seconded that PHP Case #6 remain under the management of PHP. Motion carried.**

**Dr. Varma moved, and Dr. Holliday seconded that PHP Case #7 remain under the management of PHP. Motion carried.**

**Dr. Varma moved, and Dr. Holliday seconded that the emergent referral of PHP Case #8 and Case #9 be accepted. Motion carried.**

**Agenda Item #3.** Reports and discussion regarding Texas Physician Health Program. (Dr. Karney)

**This was an informational item only and no vote was necessary.**

**Agenda Item #4.** Discussion, recommendation, and possible action regarding renewals involving impaired licensees.

**It was announced by Mr. Freshour that there were no impaired renewals to be presented to the DPRC under Agenda Item #4.**

**Agenda Item #5.** Reports and discussion regarding the Investigation, Litigation, and Compliance Departments.

**Mr. Freshour presented the Enforcement Report for June 2017, a copy of which is attached. This was an informational item only and no vote was necessary. Direction was given to staff to look into how billing complaints are processed and investigated and discuss the possibility of referring these complaints over to the Office of the Inspector General for action and the possibility of getting them involved at the beginning of the investigation process. This is to be put on the agenda for the October DPRC meeting for further discussion.**

**Agenda Item #6.** Discussion, recommendation, and possible action regarding Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code:

A. Chapter 187, Procedural Rules,

- §187.16 – Informal Show Compliance Proceedings (ISCs)
- §187.18 – Informal Show Compliance Proceeding and Settlement Conference Based on Personal Appearance
- §187.83 – Proceedings for Cease and Desist Orders

**Ms. Morgan moved, and Ms. Attebury seconded that the amendments to rule §187.83 under Agenda Item 6.A. be approved for publication and comment. Motion carried.**

**Dr. Holliday moved, and Dr. Zaafran seconded that the amendments to rule §187.16 and §187.18 under Agenda Item 6.A. be approved for publication and comment. Motion carried. Direction was given to have staff to draft suggested language options to address the discussed DPRC member concerns and present the language at the August 25, 2017 full board meeting.**

**Agenda Item #7.** Discussion, recommendation and possible action regarding Expert Panelists for the advisory boards and committees.

**Authority was given to advisory boards and committees allowing them to be able to review and approve the membership of their own expert panelists.**

**Agenda Item #8.** Review, discussion, and possible action regarding review of probationer's appearances.

**It was announced by Dr. Zaafran that there is no waiver list on Agenda Item #8 to be reviewed.**

**Agenda Item #9.** Consideration and approval of membership of the Expert Physician Panel.

**Dr. Varma moved, and Dr. Luna seconded that the appointments of members to the Expert Panel be accepted as noted in the attachment. Motion carried.**

**Agenda Item #10.** Reports and discussion regarding cases over one year old.

**Mr. Freshour presented to the DPRC the current status of cases that are over one year old. To date, the majority of investigations over one year are in criminal courts for a resolution and the majority of the litigation cases are at SOAH. This was an informational item only and no vote was necessary.**

**Committee broke at 11:02 am and reconvened at 11:24 am.**

**Agenda Item #12.** Discussion, recommendation, and possible action regarding routine follow-up on investigative files previously referred from the DPRC for follow-up action, specifically including: 16-5100, 16-7105, 17-1931, 17-2599, 17-3640, 17-4032

**Dr. Holliday moved, and Dr. Varma seconded that follow-up file #16-5100 be dismissed. Motion carried.**

**Ms. Attebury moved, and Dr. Varma seconded that follow-up file #16-7105 be dismissed. Motion carried.**

**Dr. Holliday moved, and Ms. Attebury seconded that follow-up file #17-1931 be dismissed. Motion carried.**

**Dr. Varma moved, and Ms. Attebury seconded that follow-up file #17-2599 be dismissed. Motion carried.**

**Dr. Varma moved, and Ms. Morgan seconded that follow-up file #17-3640 be dismissed. Motion carried.**

**Dr. Luna moved, and Dr. Holliday seconded that follow-up file #17-4032 be dismissed. Motion carried.**

**Dr. Zaafran moved, and Dr. Holliday seconded; the motion passed at 11:34 a.m. to go into Executive Session for deliberations concerning disciplinary action, investigative information, peer review information, and rehabilitation orders under the authority of The Medical Practice Act Sections 152.009, 160.006 through .008, 164.007(c), Texas**

**Occupations Code. Open session resumed at 1:59 p.m., and it was announced that no action was taken during executive session. A certified agenda of the executive session was made.**

**Agenda Item #11.** Review, discussion, and possible action regarding appeals of dismissed complaints. A. Jurisdictional Complaints: i. Investigations: 16-7711, 16-7900, 17-0087, 17-0115, 17-1618, 17-3327; ii. Legal Files: 16-0628 (16-1700), 17-0145 (16-4061) B. Jurisdictional-Not-Filed Complaints: 17-0749, 17-2623, 17-2939, 17-3232, 17-3303, 17-3325, 17-4179, 17-4989, 17-5060, 17-5074, 17-5091, 17-5097, 17-5185, 17-5296, 17-5315, 17-5529, 17-5562, 17-5584, 17-5599, 17-5619, 17-5725, 17-5917, 17-6123, 17-6427, 17-6459, 17-6484, 17-6717, 17-6726, 17-6736, 17-6831

**Dr. Holliday moved, and Ms. Morgan seconded that the appeal of Item 11.A.i, Log #17-1618 be granted. Motion carried.**

**Dr. Holliday moved, and Dr. Luna seconded that all other appeals under Agenda Item 11.A.i. not specifically granted above be denied. Motion carried.**

Dr. Varma moved, and Ms. Attebury seconded that the appeal of Item 11.A.ii, Log #16-0628 (16-1700) be granted and return for another ISC, with Dr. Holliday requested to be on the panel. Motion failed.

Dr. Zaafran moved, and Dr. Varma seconded that the appeal of Item 11.A.ii, Log #16-0628 (16-1700) be deferred to the October 2017 DPRC meeting to allow the complainant the opportunity to appear as originally requested. Motion failed.

**Dr. Holliday moved, and Dr. Varma seconded that the appeal of Item 11.A.ii, Log #16-0628 (16-1700) be deferred to the October 2017 DPRC meeting. Motion carried.**

**Dr. Holliday moved, and Dr. Varma seconded that the appeal of Item 11.A.ii, Log #17-0145 (16-4061) be granted and that a second ISC be scheduled to review the necessity in and around reviewing pulmonary studies and consults prior to surgery. Motion carried. Direction was given to staff to open a preliminary investigation on the consultants and specifically the primary care physician based on the appropriateness of clearing the patient for surgery.**

**Dr. Varma moved, and Dr. Luna seconded that the appeal of Item 11.B, Log 17-3303 be granted, specifically looking into the appropriateness of communication and timeliness of responding. Motion carried. Direction was given to staff to refer the complaint over to the Department of State Health Services.**

**Dr. Luna moved, and Dr. Varma seconded that the appeal of Item 11.B, Log #17-5584 be granted. Motion carried.**

**Dr. Varma moved, and Dr. Holliday seconded that the appeal of Item 11.B, Log #17-5619 be granted. Motion carried.**

**Dr. Luna moved, and Dr. Holliday seconded that the appeals of Item 11.B, Log #17-4179 and Log #17-6123 be deferred to the October 2017 DPRC meeting. Motion carried.**

**Ms. Morgan moved, and Dr. Holliday seconded that the appeal of Item 11.B, Log #17-5529 be granted. Motion carried.**

**Dr. Zaafran moved, and Dr. Holliday seconded that the appeal of Item 11.B, Log #17-5599 be granted. Motion carried.**

**Dr. Holliday moved, and Ms. Attebury seconded that all other appeals under Agenda Item 11.B not specifically granted above be denied. Motion carried.**

**Committee broke at 2:35 pm and reconvened at 2:40 pm.**

**Agenda Item #13.** Review, discussion, and possible action regarding selected files and cases.

**Dr. Holliday moved, and Ms. Morgan seconded that SOAH dismissal 15-0604 be approved for dismissal. Motion carried.**

**Dr. Varma moved, and Dr. Luna seconded that SOAH dismissal 16-0676 be approved for dismissal. Motion carried.**

**Dr. Holliday recused himself from any discussion on this case.**

**Ms. Morgan moved, and Dr. Luna seconded that all other files for review be resolved as noted on the individual sign-off sheets. Motion carried.**

**Agenda Item #14.** Adjourn.

**Dr. Varma moved, and Dr. Holliday seconded that the meeting adjourn.**

**Motion carried at 3:05 pm.**

**TMB - Disciplinary Process Review Committee  
(DPRC) TXPHP - Participant Case Review  
August 24, 2017**

<b>Case #</b>	<b>Remain with PHP</b>	<b>TMB Accepted</b>	<b>Continue</b>
1	X		
2		X	
3	X		
4	X		
5		X	
6	X		
7	X		
8		X	
9		X	

**Expert Panel Members for Board Approval August 2017**

<b>LAST</b>	<b>FIRST</b>	<b>LIC #</b>	<b>CITY</b>	<b>SPECIALTY</b>
Hassani-Yasar	Dahlia	M7250	Westlake	Emergency Medicie
Sackett	Marilyn		1 Missouri City	MRT
Zarndt	Jessica	N6792	Austin	Family Medicine/Sports Medicine

**Interim Approval**

Stein	Jaryd	M9029	Dallas	Interventional Radiology
-------	-------	-------	--------	--------------------------

**DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED**

**ISC PANEL RECOMMENDATIONS –** Texas Medical Board August 24, 2017

**ISC Dismissal's**

CASE # CLOSE CONT. TO ISC

17-0662	X		
17-0549	X		
17-0360	X		
17-0441	X		
17-0677	X		
17-0656	X		
17-0627	X		
17-0832	X		
17-0440	X		
17-0607	X		
17-0009	X		
17-0591	X		
16-0629	X		
17-0593	X		
17-0747	X		
17-0718	X		
17-0595	X		
17-0629	X		
17-0684	X		
17-0710	X		
17-0131	X		
17-0712	X		
17-0753	X		
17-0628	X		
17-0695	X		
17-0615	X		
15-0837	X		
16-0598	X		
17-0177	X		
17-0579	X		
17-0470	X		
17-0701	X		



17-0743	X		
17-0432	X		

Total = 34

**COMPLAINTS REVIEWED PURSUANT TO STAFF**

CASE # CLOSE CONT. TO ISC

14-0932	X		
17-0412	X		
17-0630	X		
17-0837	X		
14-0842	X		
15-0100	X		
15-0444	X		
16-0441	X		
17-0530	X		
16-0620	X		
17-0736	X		
17-0953	X		
14-0277	X		
17-0759	X		
17-0742	X		
17-0801	X		
17-0562	X		
17-0858	X		
17-0851	X		
17-0573	X		
16-0442	X		
15-0596	X		
17-1011	X		
15-0816	X		

Total = 24

**Pre-Approved for Submission/COMPLAINTS REVIEWED PURSUANT TO STAFF**

CASE # CLOSE CONT. TO ISC

17-0825	X		
17-0530	X		

Total = 2

**SOAH Case Dismissals** (To be reviewed by full committee) Also, to have Formal complaint in LF

CASE #	CLOSE	CONT.	TO ISC
15-0604	X		
16-0676	X		

Total = 2

**AUGUST 2017 DPRC****Disciplinary Committee Decisions Regarding Complaints Reviewed Pursuant to Staff or ISC Panel Recommendation (Physicians)**

Total : 196

Log Number	Allegation	Close	Conti	ISC	Hold	Name
157275	164.051(A)(6)	X				
160021	164.052(A)(5)	X				
165098	164.052(A)(5)	X				
165100	164.051(A)(6)	X				
167105	164.051(A)(6)	X				
167720	164.052(A)(5)		X			
167849	164.052(A)(5)	X				
170582	105.002(B)	X				
170837	164.051(A)(6)	X				
171057	151.002(A)(13)	X				
171063	164.051(A)(6)	X				
171254	164.052(A)(5)	X				
171297	164.051(A)(6)	X				
171298	164.051(A)(6)	X				
171347	164.051(A)(6)	X				
171406	164.052(A)(5)	X				
171419	164.051(A)(6)	X				
171545	164.051(A)(6)	X				
171548	164.051(A)(6)	X				
171587	164.053(A)(1)	X				
171603	164.051(A)(6)	X				
171605	164.051(A)(6)	X				
171626	164.051(A)(6)			X		
171722	164.051(A)(7)	X				
171740	151.002(A)(13)	X				
171783	164.051(A)(6)	X				
171809	164.052(A)(5)	X				
171931	164.051(A)(6)	X				
171967	164.051(A)(6)	X				
171987	164.051(A)(6)	X				
172039	151.002(A)(13)	X				
172055	164.051(A)(6)	X				
172068	164.052(A)(5)	X				
172173	164.051(A)(6)	X				
172183	164.051(A)(6)	X				
172247	164.051(A)(7)	X				
172264	164.051(A)(6)	X				
172273	164.051(A)(6)	X				
172308	164.052(A)(5)	X				
172310	164.051(A)(6)	X				
172319	164.051(A)(6)	X				
172371	164.052(A)(5)	X				
172378	164.051(A)(6)	X				
172440	164.052(A)(5)	X				
172445	164.051(A)(6)	X				

Log Number	Allegation	Close	Conti	ISC	Hold	Name
172478	164.052(A)(5)	X				
172503	164.051(A)(6)	X				
172527	105.002(B)	X				
172594	164.051(A)(6)	X				
172599	101.201	X				
172600	164.051(A)(6)	X				
172635	164.051(A)(6)	X				
172663	164.051(A)(6)	X				
172701	164.051(A)(6)	X				
172718	164.051(A)(6)	X				
172750	164.051(A)(6)	X				
172767	164.051(A)(6)	X				
172799	164.051(A)(6)	X				
172811	164.051(A)(6)			X		
172823	164.051(A)(6)	X				
172854	164.051(A)(6)	X				
172864	105.002(B)	X				
172901	164.051(A)(6)	X				
172903	164.051(A)(6)	X				
172957	105.002(B)	X				
172962	164.051(A)(6)	X				
172976	164.052(A)(5)		X			
173021	164.052(A)(5)	X				
173030	105.002(B)	X				
173035	164.051(A)(6)	X				
173038	164.052(A)(5)	X				
173052	164.052(A)(5)	X				
173105	164.051(A)(6)	X				
173140	164.051(A)(6)	X				
173151	164.051(A)(6)	X				
173153	164.051(A)(6)	X				
173171	164.051(A)(6)	X				
173196	164.052(A)(5)	X				
173208	164.053(A)(8)	X				
173215	164.051(A)(6)	X				
173231	164.051(A)(6)	X				
173243	164.051(A)(6)	X				
173283	164.052(A)(17)		X			
173300	164.053(A)(6)	X				
173301	164.051(A)(6)	X				
173308	164.051(A)(6)	X				
173313	164.051(A)(6)	X				
173323	164.051(A)(6)	X				
173331	164.051(A)(6)	X				
173346	164.051(A)(6)	X				
173351	164.051(A)(6)	X				
173373	164.051(A)(6)	X				
173388	164.051(A)(6)	X				
173400	164.051(A)(6)	X				

Log Number	Allegation	Close	Conti	ISC	Hold	Name
173460	164.051(A)(6)	X				
173461	164.051(A)(6)	X				
173467	164.051(A)(6)	X				
173501	164.051(A)(6)	X				
173516	164.051(A)(6)	X				
173618	164.051(A)(6)	X				
173638	164.051(A)(6)	X				
173639	164.051(A)(6)	X				
173640	164.052(A)(5)	X				
173665	151.002(A)(13)	X				
173681	164.051(A)(6)	X				
173698	164.051(A)(6)	X				
173712	164.051(A)(6)	X				
173728	164.051(A)(6)	X				
173733	164.051(A)(6)	X				
173746	164.051(A)(6)	X				
173758	164.051(A)(6)	X				
173785	164.051(A)(6)	X				
173786	164.052(A)(4)	X				
173788	164.052(A)(5)	X				
173800	164.052(A)(5)	X				
173803	164.051(A)(6)	X				
173804	164.053(A)(6)	X				
173823	164.051(A)(6)	X				
173825	164.051(A)(6)	X				
173919	164.052(A)(5)	X				
173920	164.051(A)(6)	X				
173963	164.051(A)(6)	X				
173989	164.051(A)(6)	X				
173992	164.052(A)(5)	X				
173993	105.002(B)	X				
173995	151.002(A)(13)	X				
174012	164.051(A)(6)	X				
174015	164.051(A)(6)	X				
174019	164.053(A)(1)	X				
174032	164.052(A)(5)	X				
174043	164.053(A)(3)	X				
174082	164.051(A)(6)	X				
174083	164.051(A)(6)	X				
174088	164.052(A)(5)	X				
174089	105.002(B)	X				
174118	164.051(A)(6)	X				
174130	105.002(B)	X				
174135	164.051(A)(4)(B)	X				
174181	164.051(A)(6)	X				
174187	164.053(A)(6)	X				
174198	105.002(B)	X				
174252	164.053(A)(6)	X				
174283	159.006	X				

Log Number	Allegation	Close	Conti	ISC	Hold	Name
174284	164.052(A)(5)	X				
174313	164.051(A)(6)	X				
174317	164.051(A)(6)	X				
174320	164.051(A)(6)	X				
174350	105.002(B)	X				
174365	164.052(A)(5)	X				
174366	164.052(A)(5)	X				
174368	164.052(A)(4)	X				
174391	164.052(A)(5)	X				
174408	164.052(A)(5)	X				
174452	164.052(A)(5)	X				
174499	164.051(A)(6)	X				
174514	164.052(A)(5)	X				
174519	164.052(A)(4)	X				
174537	164.051(A)(6)	X				
174569	164.051(A)(6)	X				
174587	105.002(B)	X				
174675	164.052(A)(5)	X				
174683	164.051(A)(6)	X				
174716	164.051(A)(7)	X				
174745	164.052(A)(4)	X				
174749	164.051(A)(6)	X				
174767	164.051(A)(6)	X				
174841	151.002(A)(13)	X				
174842	151.002(A)(13)	X				
174934	164.051(A)(4)(A)	X				
174969	164.053(A)(6)	X				
174979	164.052(A)(5)		X			
174994	164.051(A)(6)	X				
174995	105.002(B)		X			
175075	164.053(A)(1)	X				
175103	151.002(A)(13)	X				
175148	164.051(A)(3)	X				
175180	164.051(A)(6)	X				
175186	164.051(A)(3)	X				
175320	164.052(A)(5)	X				
175382	151.002(A)(13)	X				
175403	164.051(A)(6)	X				
175460	56.003	X				
175573	164.053(A)(1)	X				
175576	164.051(A)(6)	X				
175593	164.052(A)(5)	X				
175683	160.003(B)	X				
175692	164.052(A)(5)	X				
175794	159.006	X				
175832	164.051(A)(3)	X				
175857	164.053(A)(5)	X				
176126	164.053(A)(1)	X				
176298	164.052(A)(5)	X				

Log Number	Allegation	Close	Conti	ISC	Hold	Name
176342	151.002(A)(13)	X				
176401	164.051(A)(4)(C)	X				
176452	164.052(A)(5)	X				
176657	164.051(A)(4)(B)	X				