



Texas Medical Board

BOARD MEETING
333 GUADALUPE, TOWER 2, SUITE 225
AUSTIN, TEXAS
June 14, 2019

The meeting was called to order on Friday June 14, 2019 at 8:00 a.m. by Board President, Sherif Z. Zaafran, M.D. Board members present were: Sharon Barnes; Michael E. Cokinos; Frank Denton; Kandace B. Farmer, D.O.; Robert Gracia; J. Scott Holliday, D.O., MBA; Jeffrey L. Luna, M.D.; Roberto D. Martinez, M.D.; Margaret McNeese, M.D.; Linda Molina, J.D.; LuAnn R. Morgan; Jayaram N. Naidu, M.D.; Manuel "Manny" Quinones, Jr., M.D.; David G. Vanderweide, M.D.; and Timothy Webb, J.D. George L. De Loach, D.O. and Surendra K. Varma, M.D. were present after the roll call was taken. Not present was Karl W. Swann, M.D. Board staff present were Stephen Brint Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Bredt, M.D., Medical Director; Megan Goode, Governmental Affairs and Public Information Manager; and the Assistant General Counsels Sarah Tuthill, J.D., Amy Swanholm, 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.*

Consent Agenda, Discussion/Action Items to be considered at any time the full board is in session.

1. Consideration and approval of the March 1, 2019 Medical Board Meeting Minutes and action items. **Dr. Naidu moved, Ms. Morgan seconded and the motion passed to approve the March 1, 2019 Medical Board Minutes.**

Agenda item #2, Board Member Report

- a. **Sunset Overview** – Dr. Zaafran reported that the Sunset Bill has been renewed for another 12 years. Mr. Carlton gave an overview of key points of the Sunset Bill.
- b. **Opioid Bills Update** – Dr. Zaafran gave an update on the opioid bill suggested by the AG's office.
- c. **PHP update** – An update was provided regarding PHP.

Agenda item #3, Consideration and Approval of mediated Settlement Agreed Orders.

After consideration, **Dr. Quinonez moved, Mr. Webb seconded and the motion passed to approve the Mediated Settlement Agreed Orders for George Backardjiev, M.D.; Robert McRee Battle, M.D.; Stephen Raymond Bunker, M.D.; Raul Sergio Cantu-Willman, M.D.;**

Ray R. Trey Fulp III, D.O.; Carlos David Kugler, M.D.; Claudia Emma Suarez, M.D.; Jon Peter Ver Halen, M.D.; Rafael Antonio Avila, M.D.; Stephen Vincent White, M.D.; and Edward Frank Wolski, M.D.

Agenda item #4, Consideration and approval of Remedial Plans.

After consideration, Mr. Gracia moved, Mr. Webb seconded and the motion passed to approve the Remedial Plans for Don E. Alter Jr., M.D.; John Thomas Dugan Jr., M.D.; Stephen R. Harris, M.D.; Ashley Maltz, M.D.; Mayen Nunez, M.D.; Eric Minns, M.D.; Sudhir Babu Movva, M.D.; Don N. Murrmann, M.D.; Alexander Lu Nguyen, M.D.; Andrew Paul Ortega, M.D.; Stephen Moe Pearce, M.D.; Allen S. Plotkin, M.D.; William Edward Reece, M.D.; Stephen Dean Rose, M.D.; Patti Jayne Ross, M.D.; Amity Lynne Smith, M.D.; Amanda C. Stuelpnagel, M.D.; Bernard Gyewu Taylor, M.D.; Farida Farrukh Valliami, M.D.; Francisco Velasquez, M.D.; Alfred Christian Wilder, M.D.; Cristina R. Aseron, M.D.; Chima Nathaniel Asikaiwe, M.D.; Donald Andrew Carney, M.D.; Howard Bruce Cotler, M.D.; Clifton Lyndell Cox, M.D.; Brian Rabindranauth Ganesh, M.D.; Alex Guevara Jr., M.D.; Paul Mason Hamilton, M.D.; Arlene Jean Jacobs, M.D.; Sue Tsen Jong, M.D.; Shariq Khan, M.D.; Robert Joseph Pate, M.D.; John Coleman Ponder, M.D.; Andrew Michael Portteus, M.D.; David Alan Ray, D.O.; Maryam Saif, M.D.; Katie Elizabeth Sanford, M.D.; Timothy Joseph Swift, M.D. (Dr. Holliday recused); Marbella Zumaya Tran, M.D.; William H. Gorman, M.D.; Michael Scott Haydon, M.D.; Michael Patrick Vaughn, M.D.; Victoria Lynn Alexander, M.D.; Gary Evan Miller, M.D.; and Carl Wesley Ogletree, M.D.

After discussion, Dr. Zaafran moved, Mr. Webb seconded and the motion passed to go into Executive Session at 8:48 AM 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 8:59 and it was announced that no action was taken.

After further discussion, Dr. Holliday moved, Ms. Barnes seconded and the motion passed for dismissal of the Remedial Plan in case 18-0992.

After discussion, Dr. Luna moved, Ms. Barnes seconded and the motion passed to approve the Remedial Plan for Lucas Jacomides, M.D.

After discussion, Ms. Morgan moved, Dr. Farmer seconded and the motion passed to approve the Remedial Plan for Michael A. Diteresa, M.D.

Agenda item #5, Consideration and possible action for Agreed Orders

After consideration, Mr. Webb moved, Dr. McNeese seconded and the motion passed to approve the Agreed Orders for Abraham Armani, M.D.; Mark Alan Barnhardt, M.D.; Lawrence Donovan, M.P.; Ronald Selwyn Grusd, M.D.; Carlo Lee Klott, M.D.; Daniel Michael Merck, M.D.; Aravind B. Sankar, M.D.; Reginald A. Williams, M.D.; Aurelio Ibarra, M.D.; Terry C. Lairemore, M.D.; Robert S. Meidell, M.D.; Armando Quinones, M.D.; Catherine Ann Rambo, M.D.; Filiberto Rodriguez-Salinas, M.D.; Kelly James Turner, M.D.; Ellen Wilson, D.O.; Nilesh Harilal Bhoot, M.D.; Nora J. Davis, M.D.; Lana

Andrea Elder, M.D.; Parvez M. Fatteh, M.D.; Carl W. Gossett, M.D.; Moshe Lewis, M.D.; George Erwin Brown Jr., M.D.; Avi Trimbak Deshmukh, M.D.; Avian Deshiver Kidd, M.D.; John Kendall Long, M.D.; Mark L. Mankins, M.D.; Renny McDaniel, M.D.; Marianne Johnna Pinkston, M.D.; Charles Michael Rios, M.D.; William Nevins Rush, M.D.; Rezik A. Saqer, M.D.; Mark William Sij, M.D.; David Lynn Singleton, M.D.; Erik Robert Sloman-Moll, M.D.; Jayson John Terres, M.D.; Jorge E. Tijimes, M.D.; Michael John Adonis, M.D.; Dewitt Shelton Davenport, M.D.; Michael Scott Escobedo, M.D.; Kenneth Fults, D.O.; Michael Jeffrey Jenks, M.D.; Wayne Charles Jones, M.D.; Brooks C. Michaels, M.D.; Danielo Perez, M.D.; Makoto Saigusa, M.D.; Brad Dwayne Thigpen, D.O.; Jose Luis Castaneda, M.D.; Deepak V. Chavda, M.D.; Jerry Wayne Biddix, M.D.; Richard Neal Green, M.D.; Nirmal Samuel Jayaseelan, M.D.; Leovares Antonio Mendez, M.D.; Antonio Salinas, M.D.; Robert W. Farrell, M.D.; Martin E. McGonagle, M.D.; Paul E. Stoufflet, M.D.; David L. Vermillion, M.D.; Jacqueline G. Curtis, M.D.; Karl Robinson, M.D.; and Lisa Diane Fairweather, D.O.

After discussion, **Dr. Luna moved and Ms. Barnes seconded to accept the proposed Agreed Order for Gerald Paul Laursen, M.D., with an amendment to delete the referral to PHP and insert a requirement for TMB drug/alcohol monitoring.** After further discussion, **Dr. Luna withdrew his motion and moved to accept the initial proposed Agreed Order for Gerald Paul Laursen, M.D., with an amendment to delete the referral to PHP and insert a requirement for TMB drug/alcohol monitoring, attendance at AA a minimum of 3 times per week, and an IME with direction to follow findings of the IME.** This order would not have an option to modify or terminate for a minimum of 5 years. **Ms. Barnes seconded and the motion passed. Mr. Denton abstained.**

After discussion, **Dr. Farmer moved, Mr. Webb seconded and the motion passed to approve the Agreed Order for Tajul I.M. Chowdhury, M.D.**

After discussion, **Mr. Cokinos moved, Ms. Morgan seconded and the motion passed to approve the Agreed Order for Wright Wiley Singleton, M.D.**

After discussion, **Dr. Holliday moved, Mr. Gracia seconded and the motion passed to approve the Agreed Order for Steven Wade Fath, M.D.**

After discussion, **Mr. Webb moved, Ms. Morgan seconded and the motion passed to approve the Agreed Order for Cheor Jung Kim, M.D.**

Agenda item #6, Consideration and approval of Modification Request/Termination Request Orders. After consideration, **Mr. Gracia moved, Ms. Morgan seconded and the motion passed to approve the Modification Request/Termination Request Orders for Jesus Ignacio Aguirre-Burgos, M.D.; John Bryan Barnett, Jr., M.D.; Edward Dickon Briggs, M.D.; Donna Natividad Canlas, M.D.; Monica Andrea Clark-Reed, M.D.; Stephanie N. Eyestone, M.D.; Charles Christophe Gay, M.D.; Cynthia Diane Goodman, M.D.; Teresa Trumble Guerrero, M.D.; Brad Bailey Hall, M.D.; Robert Gerald Jakubowski, M.D.; Charles Rayner Kopecky, M.D.; Christopher Rolan Mann, M.D.; Mohammad Zaim Nawaz, M.D.; Kolawole A. Odulaja, M.D.; John Garnet Preddy, D.O.; Stephen Sebastian**

Rodrigues, M.D.; Felix Nabor Sabates, Jr., M.D.; Jack Coldwell Smith, M.D.; Noah Alexander Wempe, M.D.; Walter John Zawislak, M.D.; and Erica H. Lowery, M.D.

Agenda item #7, Consideration and approval of Modification Request/Termination Request of Non-Public Rehabilitation Orders. After consideration, **Dr. Barnes moved, Dr. Holliday seconded and the motion passed to grant the Termination Request of Non-Public Rehabilitation Order of Rehab Order #18-110.**

Agenda item #8, Consideration and approval of Cease and Desist Agreed Orders. After consideration, **Dr. Holliday moved, Mr. Cokinos seconded and the motion passed to approve the Cease and Desist Agreed Orders for Christina Alanis; Carla Bedford; Luis Cuan; Mihn Dang; Patrick Hart, OMD, AC,; and Mark Andrew Hernandez, L.AC.**

Agenda item #9, Consideration and approval of Nunc Pro Tunc Orders. After consideration, **Mr. Webb moved, Ms. Morgan seconded and the motion passed to approve the Nunc Pro Tunc Orders for Asim Syed Aijaz, M.D. and Eric Ping Chiang, M.D.**

There were no items for Agenda item #10.

Agenda item #13, Medical Director Report. Dr. Bredt reported that there are now 654 experts on the expert physician panel, including the 12 approved by DPRC. There are still some acute needs to other areas of expertise, suggestions are welcome.

Agenda item #14, Public Information Update. Jarrett Schneider provided a recap on previous bulletin issued. Ms. Goode reported that a summary of the legislative session would be on the next bulletin.

Agenda item #15, Report Physician Assistant Liaison. Ms. Crosby, Chair of Physician Assistant Board, reported that the PA Board has three new members and one resignation.

The board recessed briefly at 9:26 a.m., reconvened at 9:34 a.m. and a quorum was confirmed.

Agenda item #11 at 9:34 a.m., Consideration and approval of Proposal for Decisions:

- a. Gazelle Craig, D.O., SOAH #503-16-6167.DO.** Chris Palazola, Litigation Manager, was present and gave a brief presentation. Gazelle Craig, D.O., was not present. No one appeared on her behalf. After consideration, **Ms. Barnes moved, Dr. Vanderweide 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 Gazelle Craig, D.O., and to adopt the staff suggested final order of revocation.**
- b. Donald Okechukwu, M.D, SOAH #503-18-1650.MD.** Jerry Bergman, Staff Attorney, was present and gave a brief presentation. Dr. Okechukwu did not appear. No one appeared on his behalf. After consideration, **Dr. Holliday moved, Mr. Cokinos 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 Donald Okechukwu, M.D., and to adopt the staff suggested final order of revocation.

- d. **Charles John O’Hearn, M.D., SOAH #503-18-2932.MD.** Nikki Karr, Staff Attorney, was present and gave a brief presentation. Dr. O’Hearn did not appear. No one appeared on his behalf. After consideration, **Mr. Webb moved, Ms. Barnes seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge in the Proposal of Decision and approve the order to dismiss the case.**
- c. **Daalon Braundre Echols, M.D., SOAH #503-18-2045.MD.** Ms. Yarbrough gave a brief overview. Michelle McFaddin, J.D., staff attorney, was present and gave a brief presentation. Mr. Echols did not appear and no one appeared on his behalf. After consideration, **Dr. Zaafran moved, Dr. McNeese seconded, and the motion passed to go into Executive Session at 9:47 a.m.** Open session resumed at 10:02 a.m. and it was announce that no action was taken. After further discussion, **Mr. Webb moved, Mr. Cokinos seconded, and the motion passed to adopt the Findings of Fact and Conclusions of Law of the Administrative Law Judge and approve the staff suggested final order of revocation with the insertion of the following language “In determining the appropriate disciplinary action, the Board has considered that Respondent is being disciplined for multiple violations of the Medical Practice Act and rules adopted under the Medical Practice Act. In accordance with Tex. Occ. Code, Sec. 164.001(g) and (h), the Board thus has determined that a more severe disciplinary action is warranted than the disciplinary action that would be taken for a single violation.”**

Consent Agenda, Discussion/Action Items to be considered at any time the full board is in session.

2. Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting. After consideration, **Dr. Holliday moved, Mr. Cokinos seconded, and the motion passed to approve the minutes and action items of committees meeting during the board meeting.**

Agenda item #12, Executive Director Report.

- a. **Meeting Calendars 2019-2020.** Mr. Carlton presented the calendars for 2019 and 2020 meetings.
- b. **Budget update.** Brandy Corrales, Finance Manager, gave an update that the budget was in good standing and expenditures and revenues are on track.
- c. **Legislative update.** Ms. Goode gave an update on priority bills. Mr. Carlton gave an update on exceptional items.
- d. **Internal Audit Update.** Ms. Goode presented an update on the findings of the internal audit. The audit reviewed the first 45 days of the complaint process. There were no findings or recommendations. Mr. Denton asked about left over items from the 2017 audit report. Ms. Goode explained the items were ongoing and the staff would need to get together to address them.
- e. **Conceded Eminence.** Mr. Carlton reported that there are applicants who have not taken and passed the required examinations for licensure. The board interpretation

differs from the bill author's intent. After discussion, the board directed staff to review the rule and bring back proposals to the board.

- f. Impairment Questions.** Mr. Carlton gave an overview of the questions as they are currently written on the licensure application. After discussion, the board directed staff to review and come back with recommendations.
- g. Top 50 Review Prescribing Process Update.** Mr. Carlton gave an update on the Top 50 review prescribing process.
- h. Stakeholders Update.** Mr. Carlton updated the board on the June 4th stakeholders meeting. The board recommended that the staff expand the list on individuals invited to the meeting.

Agenda item #16, Consideration and possible action regarding pending litigation.

Mr. Freshour gave an update on pending litigation. After consideration, **Dr. Zafraan moved, Ms. Morgan seconded and the motion passed to go into Executive Session at 11:16 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 11:56 a.m. and it was announced that no action was taken.

Agenda item #17, Report on Temporary Suspension Hearings. A report on Temporary Suspension Hearings was presented.

Agenda item #18, Report on Motions for Rehearing Requests. A report on Motions for Rehearing Requests was presented.

Agenda item #19, Report of Suspension by Operation of Law. A report on Suspension by Operation of Law was presented.

Agenda item #20, Report on Cease and Desist Orders approved by Executive Director. A report on Cease and Desist Orders approved by Executive Director was presented.

There were no items for Agenda item #21 and #22.

Agenda item #23, Consideration and approval of Revised, Vacated, or Amended Orders.

a. Ruben Aleman, M.D. Mr. Freshour gave a brief overview of the order. After consideration, **Mr. Webb moved, Dr. Quinonez seconded, and the motion passed to vacate the order.**

b. Courtney Morgan, M.D. Mr. Freshour gave a brief overview of the order. After consideration, **Ms. Molina moved, Mr. Martinez seconded, and the motion passed to amend the order to change the words "refused to" to "did not" in the third paragraph, second line. After further consideration, Mr. Webb moved, Ms. Barnes seconded, and the motion passed to approve the amended order.**

c. In light of the Texas Supreme Court decision in Ruben Aleman, M.D. v. Texas Medical Board, and after consideration, **Dr. Holliday moved, Mr. Webb seconded and the motion passed to dismiss Remedial Plans for cases 19-0431, 19-0749, 19-0746, 19-0427, 18-0995, 19-0430, and 19-0566.**

Agenda item #24, Discussion, recommendation, and possible action regarding community service. This agenda item was deferred until the August board meeting.

Agenda item #25, Discussion, recommendation, and possible action regarding proposed rule amendments and rules review to 22 T.A.C.

- **Chapter 165, Medical Records**

§165.5 Transfer and Disposal of Medical Records

No action was taken on this part of the agenda item, as approval of publication of the proposed rule amendment was through approval of the DPRC minutes in the Consent Agenda.

- **Chapter 175, Fees and Penalties**

§175.2 Registration and Renewal Fees

Ms. Sarah Tuthill presented a brief summary and review of the proposed rule amendments.

After consideration, **Dr. Holliday moved, Mr. Cokinos seconded, and the motion passed to publish the proposed rule amendments for comment in the Texas Register.**

The Board also directed staff to publish a proposed rule amendment to Rule 175.1 in the Texas Register to add similar language for new applications.

- **Chapter 193, Standing Delegation Orders**

§193.1 Purpose

No action was taken on this part of the agenda item.

§193.8 Prescriptive Authority Agreements: Minimum Requirements

Mr. Freshour presented a brief summary and review of the proposed rule amendments. After consideration, **Dr. Vanderweide moved, Dr. Cokinos seconded, and the motion passed to publish the repeal of the rule.**

§193.17 Nonsurgical Medical Cosmetic Procedures

Mr. Freshour presented a brief summary and review of the proposed rule amendments.

After consideration, **Mr. Cokinos moved, Ms. Barnes seconded, and the motion passed to publish the proposed rule in the Texas Register.**

- **Chapter 199, Public Information.**
§199.7 Limitations on Responses to Public Information Request

No action was taken on this part of the agenda item.

Agenda item #26, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C.

- **Chapter 172, Temporary and Limited Licenses Subchapter- Limited Licenses**
§172.20 Physician Practice and Limited License for Disasters and Emergencies
§172.21. Other Health Care Providers Practice and Limited License for Disasters and Emergencies.

Mr. Freshour presented a brief summary and review of the previously proposed rule amendments and comments received.

After consideration, **Dr. Holliday moved, Mr. Cokinos seconded, and the motion passed to approve adoption of the proposed rule amendments with changes.**

Agenda item #27, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C.

- **Chapter 183, Acupuncture.**
§183.20. Continuing Acupuncture Education.

Ms. Tuthill presented a brief summary and review of the previously proposed rule amendment.

After consideration, **Mr. Cokinos moved, Dr. McNeese seconded, and the motion passed to approve adoption of the proposed rule amendment without changes.**

Agenda item #28, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments and rule review to 22 T.A.C.

- **Chapter 185, Physician Assistants.**
§185.32 Training and Registration Requirements for Physician Assistants Performing Radiologic Procedures

Ms. Tuthill presented a brief summary and review of the previously proposed rule amendment and comments received. Public comment was also made on this agenda item.

After consideration, **Dr. Holliday moved, Mr. Barnes seconded, and the motion passed to approve adoption of the proposed rule amendment without changes.**

There were no items for Agenda items #29 and #30.

Agenda item #31, Open Forum for Public. Sheila Hemphill, Texas Right to Know; Kristin McGarity; Roseanne Nikolaidis, Westlake Dermatology and Cosmetic Surgery; and Dr. Daamon Echols signed in and gave public comment. Dr. Heinz Aeschbach provided written comments.

Agenda item #32, Discussion, recommendation, and possible action relating to personnel matters. This agenda item was deferred to the August board meeting.

Agenda item #33, Adjourn. There being no further agenda items, **Dr. Holliday moved, Mr. Webb seconded, and the motion passed to adjourn the meeting at 12:46 p.m.**