



**TEXAS PHYSICIAN HEALTH PROGRAM
BOARD MEETING
May 22, 2020**

The telephonic meeting was called to order on May 22, 2020 at 9:05 a.m. by Presiding Officer Anand Mehendale, M.D. Governing Board members present were Eugene Boisubin, M.D.; Mary Boone, LCSW, LCDC; Jeffrey Butts, D.O.; Viki Chancellor, M.D.; Ron Cook, D.O.; Helaine Lane; Brian “Dean” McDaniel, D.O.; Sejal Mehta, M.D., MBA; Vicki Waters, M.S., PA-C; and Susan Wynne, M.D. Staff present were TXPHP Medical Director Katherine McQueen, M.D.; TXPHP Program Director Rui Bernardo; TMB Executive Director Brint Carlton, J.D.; TXPHP Legal Counsel, Amy Swanholm, J.D.; TMB Assistant General Counsel Wendy Pajak, J.D.; and various other staff.

Agenda Item #2, Discussion, recommendation and possible action regarding February 21, 2020 Governing Board meeting minutes. After discussion, Dr. Boisubin moved, Dr. Chancellor seconded, and the motion passed to approve the February 21, 2020 Governing Board meeting minutes.

Agenda Item #3, Board President Report. Dr. Mehendale introduced Dr. Katherine McQueen as the new Medical Director of TXPHP. Dr. McQueen introduced herself and gave a brief background. Governing Board members introduced themselves to Dr. McQueen.

Agenda Item #4, Program Director Report.

- a. Report on program enrollment to date, program performance, program operations, program policies.** Mr. Bernardo reported that there are currently 314 active participants in the program.
- b. Report on Outstanding Referrals.** Mr. Bernardo reported that there are currently 44 pending referrals. 29 individuals still need to be interviewed. There have been 10 interviews this week.
- c. Personnel Report.** Mr. Bernardo gave an update on the current four job vacancies.
- d. Fee Intake Report.** Mr. Bernardo reported that the overdue fee notifications have worked well. Staff is working on assisting individuals with payment plans.
- e. Budget Report.** Mr. Bernardo gave an update on the current budget.
- f. Emergent Referrals.** Mr. Bernardo reported that there were two emergent referrals to the Medical Board since the February meeting.

Agenda Item #5, TMB Report. Mr. Carlton made a report to the Board.

Agenda Item #6, Discussion, recommendation, and possible action regarding the Advisory Committee. There was a discussion regarding lack of immunity of Advisory

Committee members and the process to appoint five more members to assist on the Advisory Committee.

Agenda Item #7, Discussion, recommendation, Disciplinary Process Review Committee (DPRC) disposition updates and possible action regarding Case Advisory Panels and case review.

10-0119A – After discussion, Dr. Mehendale moved to refer to DPRC with the recommendation that the participant complete inpatient care and then refer back to TXPHP. After discussion, Dr. Mehendale withdrew his motion. After further discussion, Ms. Waters moved to refer the participant to TMB, with the recommendation of returning to TXPHP with extended inpatient treatment and zero tolerance. Dr. Cook seconded and the motion passed unanimously.

15-0209 – After discussion, Dr. Chancellor moved to refer the participant to TMB, Ms. Waters seconded and the motion passed unanimously.

16-0232 – After discussion, Dr. Mehta moved to refer to DPRC, Dr. Chancellor seconded. After discussion, Dr. Mehta withdrew her motion. After further discussion, Dr. Mehta moved to refer the participant to DPRC with the recommendation that the participant remain with TXPHP. Dr. McDaniel seconded and the motion passed unanimously.

16-0292 – After discussion, Dr. Mehendale moved to refer the participant to DPRC with the recommendation that the participant remain with TXPHP, Dr. Mehta seconded, and the motion passed unanimously.

16-0292-A – After discussion, Dr. Boisaubin moved to refer the participant to the PA board, Dr. Chancellor seconded, and the motion passed unanimously.

17-0281 – After discussion, Ms. Lane moved to refer the participant to TMB with the recommendation that they stay with TXPHP with zero tolerance. Dr. Mehta seconded and the motion passed unanimously.

The Board took a break at 11:00 am and reconvened at 11:10 am.

17-0372 – After discussion, Dr. Chancellor moved to refer the participant to the MRT board. Ms. Lane seconded and the motion passed unanimously.

17-0502 – After discussion, Dr. Wynne moved to refer the participant to the RCP board, Dr. Cook seconded. After discussion, Dr. Wynne withdrew his motion. After further discussion, Dr. Wynne moved to refer the participant to the RCP board with the recommendation that they remain with TXPHP. Dr. Mehendale seconded and the motion passed unanimously.

18-0523 – After discussion, Ms. Lane moved to refer the participant to the RCP board unless Dr. McQueen finds that the abnormal tests are not a sign of impairment. Dr. Mehta seconded and the motion passed unanimously.

18-0218 – After discussion, Dr. Mehendale moved to refer the participant to DPRC with the recommendation that they stay with TXPHP with zero tolerance. Dr. Boisaubin seconded and the motion passed unanimously.

18-0261 – After discussion, Dr. Butts moved to refer the participant to the RCP board with the recommendation that the participant stay with TXPHP with treatment. Ms. Boone seconded and the motion passed unanimously.

18-0309 – After discussion, Dr. Mehta moved to keep the participant with TXPHP. Dr. Mehta withdrew her motion and made a new motion to refer the participant to DPRC with the

recommendation that the participant stay with TXPHP with zero tolerance. Dr. Boisaubin seconded and the motion passed unanimously.

18-0455 – After discussion, Dr. Mehendale moved to refer the participant to the RCP board. Dr. Wynne seconded and the motion passed unanimously.

19-0128 – After discussion, Dr. Mehendale moved to refer the participant to the MRT board. Ms. Boone seconded and the motion passed unanimously.

19-0134 – After discussion, Dr. Mehendale moved to refer the participant to DPRC with the recommendation that the participant stay with TXPHP if they enroll in inpatient treatment. Ms. Waters seconded and the motion passed unanimously.

19-0284 – After discussion, Dr. Chancellor moved to refer the participant to the RCP board recommending that if the participant is returned to TXPHP, the participant should enroll in a treatment program. Dr. Cook seconded and the motion passed unanimously.

19-0380 – After discussion, Dr. Mehendale moved to refer the participant to the MRT board. Dr. Mehendale withdrew his motion. Dr. Boisaubin moved to emergently refer the participant to the MRT board. Dr. Wynne seconded and the motion passed unanimously.

19-0397 – After discussion, Dr. Chancellor moved to refer the participant to DPRC. Dr. Chancellor withdrew her motion and made a new motion to refer the participant to DPRC with recommendation that the participant return to TXPHP with guidance to TXPHP Medical Director to explore treatment options. The motion failed. Dr. Chancellor made a motion to refer the participant to DPRC and have the TXPHP Medical Director consider inpatient treatment. Dr. Boisaubin seconded and the motion passed unanimously.

19-0917 – After discussion, Dr. Mehta moved to refer the participant to DPRC with the recommendation that the participant remain with TXPHP and the TXPHP Medical Director consider inpatient treatment. Dr. Boisaubin seconded and the motion passed unanimously.

Agenda Item #8, Legal Report. Amy Swanholm gave a report on litigation and rulemaking.

Agenda Item #9, Discussion, recommendations, and possible action regarding scheduling, procedures, and upcoming Board meetings, member rotation, Case Advisory Panel (CAP) scheduling, and possible agenda topics. An updated CAP Schedule was provided.

Agenda Item #10, Open Forum for public comments. Dr. Jackson was present and gave public comment.

Agenda Item #11, Adjourn. There being no further items, Dr. Cook moved, Dr. Chancellor seconded, and the motion passed to adjourn the meeting. Dr. Mehendale adjourned the meeting at 1:01 pm.