



**TEXAS PHYSICIAN HEALTH PROGRAM
BOARD MEETING
Friday, May 20, 2022**

The meeting was called to order on May 20, 2022, at 9:00 a.m. by Presiding Officer Brian “Dean” McDaniel, D.O. Governing Board members present were: Mary Boone, LCSW, LCDC; Jeffery Butts, D.O.; Ron Cook, D.O.; Mark Kunik, M.D., MPH; Helaine Lane; Sejal Mehta, M.D., MBA; and Susan Wynne, M.D. Governing Board members not present were: Eugene Boisaubin, M.D.; Viki Chancellor, M.D., and Vicki Waters, M.S., PA-C. Staff present were: TXPHP Executive Medical Director Katherine McQueen, M.D.; TXPHP Program Director Rui Bernardo; TMB Executive Director Brint Carlton, J.D.; General Counsel Scott Freshour, J.D., and various other staff.

Dr. McDaniel read a statement from Dr. Boisaubin announcing his resignation from the Board. Dr. McDaniel expressed gratitude for Dr. Boisaubin’s service.

Agenda Item #2, Discussion, recommendations, and possible action regarding February 11, 2022, Governing Board meeting minutes. After discussion, **Dr. Kunik moved, Dr. Cook seconded, and the motion passed to approve the February 11, 2022, Governing Board meeting minutes as written.**

Agenda Item #3, Board President Report. Dr. McDaniel reported on his attendance of the FSPHP conference.

Agenda Item #4, TMB and Budget Report. Mr. Carlton reported on the agency's budget and progress with preparing for the future move to the new building.

Agenda Item #5, Report on Internal Audit. Mr. Graves gave the Internal Audit report regarding TXPHP.

Agenda Item #6, Program Director Report.

- a. Report of program enrollment to date.** Mr. Bernardo reported that there are currently 295 participants for FY 2022 Q2. Mr. Bernardo provided a full report of participant referrals, pending referrals and participation.
- b. Report on Outstanding Referrals.** Mr. Bernardo reported that there are currently 19 pending referrals.
- c. Report on Program Performance and Overall Operations.** Mr. Bernardo gave a report on program performance and overall operations.

- d. Personnel Report.** Mr. Bernardo reported that there is a new clinical coordinator. There are currently two vacant positions.

Agenda item #7, Medical Director Report

- a. Report on Drug Screening Results.** Dr. McQueen gave a report on Drug Screening Results.
- b. Report on Fee Waivers.** Dr. McQueen gave a report on Fee Waivers.

Agenda Item #8, Legal Report. Ms. Tuthill gave a legal report and update on the future process for revising the MOU between PHP and TMB .

Agenda Item #9, Discussion, recommendation and possible action regarding the Advisory Committee. Dr. Elizabeth Hill introduced herself to the board. After discussion, **Dr. Mehta moved to have Dr. Hill join the Advisory Committee. Dr. Wynne seconded and the motion passed unanimously.**

There was a break from 10:20-10:30 a.m.

Agenda Item #10, Discussion, Recommendations, Disciplinary Process Review Committee (DPRC) disposition updates and possible action regarding case advisory panels and case reviews.

Case #1 – 10-0229-A – After discussion, Dr. Kunik moved to report the participant to DPRC with a recommendation that he participant return to TXPHP. Dr. Cook seconded, and the motion passed unanimously.

Case #2 – 15-0152 – After discussion, Ms. Lane moved to refer the participant to DPRC with the recommendation that the participant return to TXPHP. Dr. Mehta seconded, and the motion passed unanimously.

Case #3 – 17-0376-A – After discussion, Dr. Mehta moved to refer the participant to DPRC with the recommendation that the participant return to TXPHP, Dr. Wynne seconded, and the motion passed unanimously.

Case #4 – 17-0444 – After discussion, Dr. Mehta moved that the participant remain with TXPHP without referral, Dr. Kunik seconded, and the motion passed unanimously.

Case #5 was tabled.

Case #6 – 18-0459 – After discussion, Dr. Kunik moved to refer to D&E committee with the recommendation that the participant remain with TXPHP, Dr. Butts seconded, and the motion passed unanimously.

Case #7 –20-0702 – After discussion, Dr. Kunik moved to refer the participant to DPRC with the recommendation that the participant remain with TXPHP, Dr. Mehta seconded, and the motion passed unanimously.

Case #8 – 20-0906 – After discussion, Dr. Mehta moved to refer the participant to DPRC with the recommendation that they accept the referral, Dr. Cook seconded, and the motion passed unanimously.

Case #9 – 21-0101 – After discussion, Dr. Wynne moved to refer the participant to D&E committee with the recommendation that the participant remain with TXPHP, Ms. Lane seconded, and the motion passed unanimously.

Case #10 was tabled.

Case #11 – 21-0709 – After discussion, Dr. Cook moved for the participant remain with TXPHP without referral, Dr. Kunik seconded, and the motion passed unanimously.

Case #12 – 21-0712 – After discussion, Dr. Mehta moved that the board does not consider this substantive noncompliance and that the individual continue to be monitored. Dr. Wynne seconded and the motion passed unanimously.

Case #13 – 21-0719 – After discussion, Dr. Wynne moved to refer the participant to DPRC with the recommendation that they accept the referral. Ms. Boone seconded and the motion passed unanimously.

Case #14 – 21-0807 – After discussion, Dr Wynne moved to refer the participant to DPRC with the recommendation that the participant remain with TXPHP, Dr. Kunik seconded and the motion passed unanimously.

Case #15 – 21-0906 – After discussion, Dr. Mehta moved to refer the participant to the D&E committee with the recommendation that the participant remain with TXPHP, Dr. Wynne seconded and the motion passed unanimously.

Case #16 – 21-1004 – After discussion , Dr. Wynne moved to refer the participant to DPRC with the recommendation that the participant remain with TXPHP, Dr. Kunik seconded and the motion passed unanimously.

Case #17 – 21-1005 – After discussion, Dr. Kunik moved to report the participant to D&E committee with a recommendation that the participant remain with TXPHP. Dr. Cook seconded, and the motion passed unanimously.

Case #18 – 21-1208 – After discussion, Dr. Wynne moved to refer the participant to the D&E committee with the recommendation that the participant remain with TXPHP, Dr. Mehta seconded and the motion passed unanimously.

Case #19 – 22-0101 – After discussion, Dr. Butts moved to refer the participant to the D&E committee with the recommendation that the participant remain with TXPHP, Dr. Wynne seconded and the motion passed. Dr. Kunik abstained.

Agenda Item #9, Discussion, recommendation, and possible action regarding the Advisory Committee. (CONT)

Dr. Wynne moved to recall Agenda Item #9 to consider Dr. Anu Wadhwa's application, Dr. Kunik seconded and the motion passed.

Dr. Anu Wadhwa introduced herself to the board. After discussion, **Dr. Lane moved to have Dr. Wadhwa become part of the Advisory Committee, Dr. Wynne seconded and the motion passed unanimously.**

There was a break from 12:02-12:15 p.m.

Agenda Item #10, Discussion, Recommendations, Disciplinary Process Review Committee (DPRC) disposition updates and possible action regarding case advisory panels and case reviews. CONT.

Dr. McDaniel moved, Dr. Mehta seconded and the motion passed to move the open meeting into Executive Session at 12:18 p.m. for the purpose of 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 Code. Open session resumed at 12:55 p.m.

Case #5 – 18-0217 – After discussion, Dr. Mehta moved to refer the participant to DPRC with the recommendation that they accept the referral. Dr. Wynne seconded and the motion passed unanimously.

Case #10 – 21-0104– After discussion, Dr. Wynne moved to refer the participant to DPRC with the recommendation that they accept the referral, Dr. Cook seconded, and the motion passed unanimously.

Agenda Item #11, Report on Emergent Referrals. There was 1 emergent referral.

Agenda Item #12, Discussion, recommendations, and possible action regarding scheduling, procedures, and upcoming Board meetings, member rotation, CAP

scheduling. Mr. Bernardo presented a copy of the CAP schedule and 2023 Governing Board Meeting schedule. No action taken.

Agenda Item #13, Open forum for public comments. No one signed in to make public comments.

Agenda Item #14, Adjourn. There being no further items, **Ms. Lane moved, Dr. Wynne seconded, and the motion passed to adjourn the meeting at 1:08 p.m.**