



**TEXAS PHYSICIAN HEALTH PROGRAM  
BOARD MEETING  
Friday, July 29, 2022**

The meeting was called to order on July 29, 2022, at 9:06 a.m. by Presiding Officer Brian “Dean” McDaniel, D.O. Governing Board members present were: Jeffery Butts, D.O.; Viki Chancellor, M.D.; Ron Cook, D.O.; Mark Kunik, M.D., MPH; Helaine Lane; Sejal Mehta, M.D., MBA; Vicki Waters, M.S., PA-C; and Susan Wynne, M.D. Mary Boone, LCSW, LCDC did not attend. Staff present were: TXPHP Executive Medical Director Emily Doyle, 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 announced that this will be the last meeting attended by Dr. Katherine McQueen as Medical Director. Dr. McDaniel introduced Dr. Emily Doyle as the new Medical Director. Governing Board members introduced themselves to Dr. Doyle.

**Agenda Item #2, Discussion, recommendations, and possible action regarding May 20, 2022, Governing Board meeting minutes.** After discussion, Ms. Lane moved, Dr. Kunik seconded, and the motion passed to approve the May 20, 2022, Governing Board meeting minutes as written.

**Agenda Item #3, Board President Report.** Dr. McDaniel thanked Dr. McQueen for her times and service on the board.

**Agenda Item #5, Discussion, recommendation, and possible approval relating to a Texas Physician Health Program and Texas Medical Board Memorandum of Understanding.** Ms. Tuthill presented the proposed MOU approved by the Medical Board in June. After discussion, Ms. Waters moved, Dr. Chancellor seconded, and the motion passed to approve the MOU as written.

**Agenda Item #6, Program Director Report.**

- a. Report of program enrollment to date.** Mr. Bernardo reported that there are currently 284 participants for FY 2022 Q3. 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 17 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 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.

**Agenda Item #9, Discussion, recommendation and possible action regarding the Advisory Committee.** Dr. McQueen reported that there is one vacancy for a mental health professional on the advisory committee.

There was a break from 10:15 – 10:25 am.

**Agenda Item #4, TMB and Budget Report.** Mr. Carlton reported on the agency's budget and move to the new building.

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

Case #1 – 11-0239-B – After discussion, Dr. Kunik moved to refer the participant to DPRC with a recommendation that the participant remain with TXPHP. Dr. Wynne seconded, and the motion passed unanimously.

Case #2 – 15-0175-B – After discussion, Dr. Kunik moved that this is not a case of substantive non-compliance and should not be referred, Ms. Lane seconded, and the motion passed unanimously.

Case #3 – 16-0167-A – After discussion, Dr. Mehta moved to refer the participant to DPRC with a recommendation that the participant remain with TXPHP. Dr. Wynne seconded, and the motion passed unanimously.

Case #4 – 16-0262-A – After discussion, Dr. Kunik moved to refer the participant to DPRC with a recommendation that the participant remain with TXPHP. Dr. Cook seconded, and the motion passed unanimously.

Case #5 – 16-0292-B – After discussion, Dr. Mehta moved to refer the participant to the PA D&E committee with a recommendation that the participant remain with TXPHP. Dr. Wynne seconded, and the motion passed unanimously.

Case #6 – 17-0376-A – After discussion, Dr. Wynne moved to refer the participant to the DPRC with a recommendation that the participant remain with TXPHP. Dr. Cook seconded, and the motion passed unanimously.

Case #7 – 17-0452 – After discussion, Dr. Mehta moved to refer the participant to the DPRC with a recommendation that the participant remain with TXPHP. Dr. Kunik seconded and the motion passed unanimously.

Case #8 – 18-0181-A – After discussion, Dr. Kunik moved to refer the participant to the RCP D&E committee with a recommendation that the participant remain with TXPHP. Dr. Wynne seconded, and the motion passed unanimously.

Case #9 – 19-0326 – After discussion, Dr. Kunik moved to refer the participant to the RCP D&E committee with a recommendation that participant remain with TXPHP. Dr. Mehta seconded and the motion passed unanimously.

Case #10 – 19-1110-A – After discussion, Dr. Mehta moved to refer the participant to DPRC with the recommendation that the participant remain with TXPHP. Dr. Cook seconded and the motion passed unanimously.

Case #11 – 20-0104 – After discussion, Ms. Lane moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Chancellor seconded and the motion passed unanimously.

Break 11:31 to 11:43 am.

Case #12 – 20-1102 – After discussion, Dr. Kunik moved to refer to DPRC with the recommendation that they accept the recommendation. Dr. Mehta seconded and the motion passed. Dr. Wynne recused.

Case #13 – 21-0205 – After discussion, Dr. Kunik moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Chancellor seconded and the motion passed unanimously.

Case #14 – 21-0411 – After discussion, Dr. Mehta moved to refer to RCP D&E committee with the recommendation that the participant remain with TXPHP. Dr. Waters seconded and the motion passed unanimously.

Case #15 – 21-0809 – After discussion, Dr. Kunik moved to refer to RCP D&E committee with the recommendation that the participant remain with TXPHP. Dr. Wynne seconded and the motion passed unanimously.

Case #16 – 21-1102 – After discussion, Dr. Mehta moved to refer to DPRC with the recommendation that they accept the referral and consider a cease practice agreement. Ms. Lane seconded the motion. Dr. Mehta withdrew the motion. Dr. Mehta moved to refer to DPRC with the recommendation that the participant remain with TXPHP and pursue a cease practice agreement. Dr. Cook seconded and the motion passed unanimously.

Case #17 – 21-1203 – After discussion, Dr. Kunik moved to refer to DPRC with recommendation that the participant remain with TXPHP. Dr. Butts seconded and the motion passed unanimously

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

Dr. Kunik left the meeting at 12:30 pm.

Case #19 – 22-0211 – After discussion, Dr. Mehta refer to DPRC with the recommendation that the participant remain with TXPHP. Ms. Waters seconded and the motion passed unanimously.

**Agenda Item #11, Report on Emergent Referrals.** There were no 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 through September 2023. 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, **Dr. Wynne moved, Dr. Mehta seconded, and the motion passed to adjourn the meeting at 12:39 p.m.**