



**TEXAS PHYSICIAN HEALTH PROGRAM
BOARD MEETING**

Friday, September 30, 2022

The meeting was called to order on September 30, 2022, at 9:06 a.m. by Acting Presiding Officer Katie McQueen, M.D. Governing Board members present were: Mary Boone, LCSW, LCDC.; Jeffery Butts, D.O.; Viki Chancellor, M.D.; Helaine Lane; Sejal Mehta, M.D., MBA; Vicki Waters, M.S., PA-C; and Susan Wynne, M.D. Governing Board members not present were Brian “Dean” McDaniel, D.O.; Ron Cook, D.O.; and Mark Kunik, M.D., MPH. Staff present were: TXPHP Executive Medical Director Emily Doyle, M.D.; TXPHP Program Director Rui Bernardo; TMB Executive Director Brint Carlton, J.D.; Assistant General Counsels Sarah Tuthill, J.D. and Yvette Yarbrough, J.D. and various other staff.

Agenda Item #2, Discussion, recommendations, and possible action regarding July 29, 2022, Governing Board meeting minutes. After discussion, Ms. Lane moved, Dr. Wynne seconded, and the motion passed to approve the July 29, 2022, Governing Board meeting minutes as written.

Agenda Item #3, Board President Report. The board welcomed Katie McQueen, M.D. as the newest governing board member. Dr. McQueen reported on her attendance of the Texas Medical Association’s Fall Conference.

Agenda Item #4, TMB and Budget Report. Mr. Carlton reported on the agency’s move to the new building. Joey Estrada gave a report on the budget.

Agenda Item #5, Program Director Report.

- a. **Report of program enrollment to date.** Mr. Bernardo reported that there are currently 277 participants for FY 2022 Q4. 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 27 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 on current vacant positions.

Agenda item #6, Medical Director Report

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

Agenda Item #7, Legal Report. Ms. Yarbrough gave a legal report.

Agenda Item #8, Discussion, recommendation and possible action regarding the Advisory Committee. There was nothing to report.

Agenda Item #9, Discussion, Recommendations, Disciplinary Process Review Committee (DPRC) disposition updates and possible action regarding case advisory panels (CAP) and case reviews.

Case #1 – 10-0229-A – After discussion, Dr. Mehta moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Chancellor seconded and the motion passed. Dr. McQueen recused.

Case #2 – 14-0281 – After discussion, Dr. Wynne moved to refer to PA D&E with the recommendation that the participant remain with TXPHP. Ms. Waters seconded and the motion passed. Dr. McQueen recused.

Case #3 – 16-0167-A – After discussion, Ms. Waters moved to refer to DPRC with the recommendation that they accept the Referral. Dr. Chancellor seconded and the motion passed. Dr. McQueen recused.

Case #4 – 17-0327-A – After discussion, Dr. Mehta moved to refer to PA D&E with the recommendation that the participant remain with TXPHP. Dr. Wynne seconded and the motion passed unanimously.

Case #5 – 19-0133 – After discussion, Dr. Mehta moved that this is not substantive noncompliance. Dr. Mehta withdrew her motion. Dr. Mehta moved to defer this case to the next meeting to give staff time to obtain a signed report by a neurologist and close the case successfully. Dr. Chancellor seconded and the motion passed. Ms. Waters recused.

Case #6 – 19-0150 – After discussion, Dr. Wynne moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Mehta seconded the motion and the motion passed. Dr. McQueen recused.

There was a break from 10:31 – 10:45 am.

Case #7 – 19-0397-A – After discussion, Ms. Waters moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Mehta seconded and the motion passed. Dr. McQueen recused.

Case #8 – 19-1102-A – After discussion, Dr. Mehta moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Wynne seconded and the motion passed. Dr. McQueen recused. Ms. Waters abstained.

Case #9 – 20-0104 – After discussion, Dr. Chancellor moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Butts seconded and the motion passed. Dr. McQueen recused.

Case #10 – 20-0417 – After discussion, Dr. Mehta moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Chancellor seconded and the motion passed. Dr. McQueen recused.

Case #11 – 20-0601 – After discussion, Dr. Chancellor moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Mehta seconded and the motion passed. Dr. McQueen recused.

Case #12 – 20-0702 – After discussion, Ms. Waters moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Mehta seconded and the motion passed. Dr. McQueen recused.

Case #13 – 21-0710 – After discussion, Dr. Wynne moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Ms. Lane seconded and the motion passed. Dr. McQueen recused.

Case #14 – 21-0807 – After discussion, Dr. Mehta moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Ms. Lane seconded and the motion passed. Dr. McQueen recused.

Case #15 – 21-1009 – After discussion, Dr. Wynne moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Ms. Waters seconded and the motion passed. Dr. McQueen recused.

Ms. Waters moved, Ms. Lane seconded, and the motion passed to move the open meeting into Executive Session at 11:24 a.m. for the purpose of deliberations concerning PHP participants including a referral, proceeding, report, investigative file, record, or other information relating to a participant under the authority of the

Medical Practice Act Sections 167.010, Occupations Code and 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 12:06 p.m.

During Executive Session, Dr. McQueen remained off camera and did not participate in discussion.

Case #16 – 21-1010 – After discussion, Dr. Chancellor moved to refer to DPRC with the strong recommendation that they accept the referral and not return the case to TXPHP. Ms. Lane seconded and the motion passed. Dr. McQueen recused.

Case #17 – 21-1102 – After discussion, Dr. Mehta moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Butts seconded and the motion passed. Dr. McQueen recused.

Case #18 – 21-1206 – After discussion, Dr. Wynne moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Ms. Lane seconded and the motion passed. Dr. McQueen recused.

Agenda Item #10, Report on Emergent Referrals. There were no emergent referrals.

Agenda Item #11, Discussion, recommendations, and possible action regarding scheduling, procedures, and upcoming Board meetings, member rotation, CAP scheduling. Mr. Bernardo presented a new CAP schedule through May 2024 and board meeting calendar for 2023. No action taken.

Agenda Item #12, Open forum for public comments. No one signed in to make public comments.

Agenda Item #13, Adjourn. There being no further items, **Ms. Waters moved, Dr. Chancellor seconded, and the motion passed to adjourn the meeting at 12:19 p.m.**