



**TEXAS PHYSICIAN HEALTH PROGRAM
BOARD MEETING
Friday, May 19, 2023**

The meeting was called to order on May 19, 2023, at 9:05 a.m. by Presiding Officer Brian “Dean” McDaniel, D.O. Governing Board members present were: Mary Boone, LCSW, LCDC; Jeffery Butts, D.O; Viki Chancellor, M.D.; Ron Cook, D.O.; Mark Kunik, M.D., MPH.; Helaine Lane; and Katie McQueen, M.D. Governing Board members not present were Sejal Mehta, M.D., MBA; Vicki Waters, M.S., PA-C; and Susan Wynne, M.D. 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.; Assistant General Counsels Sarah Tuthill, J.D. and various other staff.

Agenda Item #2, Discussion, recommendations, and possible action regarding February 10, 2023, Governing Board meeting minutes. After discussion, **Ms. Lane moved, Dr. McQueen seconded, and the motion passed to approve the February 10, 2023, Governing Board meeting minutes as written.**

Agenda Item #3, Board President Report. Dr. McDaniel acknowledged that the executive team attended the annual assembly for the Federation of Physician Health Program. Dr. McQueen, Dr. Doyle, and Mr. Bernardo made comments on their attendance at the assembly.

Agenda Item #4, TMB and Budget Report. Mr. Carlton provided a legislative report and updated the board on Senate Bill 1086. Mr. Estrada provided the budget report.

Agenda Item #5, Program Director Report.

- a. Report of program enrollment to date.** Mr. Bernardo reported that there are currently 291 participants for FY 2023 Q2.
- b. Report on Outstanding Referrals.** Mr. Bernardo reported that there are currently 21 pending referrals. Mr. Bernardo provided a full report of participant referrals, pending referrals and participation.
- 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. There was nothing to 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 – 14-0340-A – After discussion, Dr. Kunik 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 #2 – 18-0168-A – After discussion, Dr. Chancellor moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Cook seconded, and the motion passed. Dr. McQueen recused.

Case #3 – 19-1102-A – After discussion, Dr. Cook 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 #4 – 20-0104 – After discussion, Dr. Chancellor 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 #5 – 20-0417 – After discussion, Ms. Lane moved to refer to DPRC with the recommendation that they accept the referral. Dr. Chancellor seconded, and the motion passed. Dr. McQueen and Dr. Butts recused.

Case #6 – 21-0308 – After discussion, Dr. Kunik moved to DPRC with the recommendation that the participant remain with TXPHP. Dr. Cook seconded and the motion passed. Dr. McQueen and Dr. Butts recused.

Case #7 – 21-0411 – After discussion, Dr. Cook moved to refer to RCP D&E committee with the recommendation that they accept the referral. Dr. Chancellor seconded. Dr. Cook withdrew his motion and Dr. Chancellor removed her second.

Dr. Cook made a new motion to emergently refer the case to the Executive Director. Dr. Chancellor seconded and the motions passed. Dr. McQueen recused.

Case #8 – 21-0811 – After discussion, Dr. Kunik moved to refer to PA D&E committee with the recommendation that the participant remain with TXPHP. Ms. Lane seconded, and the motion passed. Dr. McQueen recused.

There was a break from 10:15-10:30 a.m.

Case #9 – 22-0203 – After discussion, Dr. Cook moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Kunik seconded, and the motion passed. Dr. McQueen recused.

Case #10 – 22--0301 – After discussion, Dr. Kunik moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Chancellor seconded the motion. Dr. McQueen recused.

Case #11 – 22-0306 – After discussion, Dr. Cook moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Butts seconded, and the motion passed. Dr. McQueen recused.

Ms. Boone stepped away at 10:45 a.m.

Case #12– 22-1006 – After discussion, Dr. McQueen moved to refer to DPRC with the recommendation that the participant remain with TXPHP. Dr. Cook seconded, and the motion passed.

Case #13 – 22-1201 – After discussion, Dr. Kunik moved to refer to RCP D&E committee with the recommendation that the participant remain with TXPHP. Dr. Cook seconded, and the motion passed.

Agenda Item #10, Report on Emergent Referrals. There were three emergent referrals.

Ms. Boone returned at 10:51 a.m.

Agenda Item #11, Discussion, recommendations, and possible action regarding scheduling, procedures, and upcoming Board meetings, member rotation, CAP scheduling. Mr. Bernardo presented the CAP schedule through 2024.

Agenda Item #12, Discussion and possible recommendation to TMB's Disciplinary Process and Review Committee regarding TXPHP Drug & Alcohol Testing options.
The board directed staff to research new drug testing methods.

Agenda Item #13, Open forum for public comments. Dr. John Jackson made public comments.

Agenda Item #14, Adjourn. There being no further items, **Ms. Boone moved, Dr. Butts seconded, and the motion passed to adjourn the meeting at 11:57 a.m.**