



**TEXAS PHYSICIAN HEALTH PROGRAM
BOARD MEETING**

333 Guadalupe, Tower 2, Suite 225
Austin, Texas 78701
Friday, October 2, 2020

The meeting was called to order on October 2, 2020 at 9:02 a.m. by Presiding Officer Anand Mehendale, M.D. Governing Board members present were: Eugene Boisaubin, M.D.; Mary Boone, LCSW, LCDC; Jeffery Butts, D.O.; Viki Chancellor, M.D.; Ron Cook, D.O.; Helaine Lane; Brian “Dean” McDaniel, D.O.; Sejal Mehta, M.D.; 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.; Assistant General Counsel Amy Swanholm, J.D.; and various other staff. Dr. Butts and Dr. Mehta joined the meeting after the roll call. Ms. Boone, LCSW, LCDC joined the call at 9:39 a.m.

Agenda Item #2, Discussion, recommendations, and possible action regarding August 7, 2020 Governing Board meeting minutes. After discussion, Dr. Cook moved, Dr. Wynne seconded, and the motion passed to approve the August 7, 2020 Governing Board meeting minutes.

Agenda Item #8, TMB Report. Mr. Carlton reported on the relationship between TXPHP and TMB. Mr. Carlton reported that the majority of staff continues to telecommute. Virtual board meetings will continue. He gave an update on the TMB budget. Mrs. Cori Briscoe, CFO, gave an update on the TXPHP budget. No action was taken on this agenda item.

Agenda Item #3, Board President Report. Dr. Mehendale recognized that under the direction of Dr. McQueen, Mr. Bernardo and Ms. Swanholm, TXPHP is functioning at the highest level in its history. No action was taken on this agenda item.

Agenda Item #4, Medical Director Report.

- a. Report on Program Enrollment to Date.** Mr. Bernardo reported that there are currently 282 active participants in the program YTD.
- b. Program Policies.** Dr. McQueen reported on the process regarding COVID-19 waivers from drug and alcohol screening.
- c. Report on Outstanding Referrals.** Mr. Bernardo reported that there are 21 referrals pending. Of those, four have agreements, two have been interviewed, four are pending interview, and seven are pending fees.

- d. Report on Drug Screening Results.** Mr. Bernardo reported there are 181 participants actively engaged in testing. Dr. McQueen reported the drug screening results. No action was taken on this agenda item.

Agenda Item #5, Program Director Report.

- a. Program Performance and Overall Operations.** Mr. Bernardo provided a report regarding TXPHP participants.
- b. Personnel Report.** Mr. Bernardo gave an update on the filled LCDC position. There are two vacancies, Administrative Assistant and Clinical Coordinator. Staff is still telecommuting. No action was taken on this agenda item.

Ms. Boone joined the meeting at this time.

Agenda Item #6, Budget Report. A budget report was provided by TMC CFO Cori Briscoe under Agenda Item #8. No action was taken on this agenda item.

Agenda Item #7, Legal Report. Ms. Swanholm reported there are no lawsuits. No action was taken on this agenda item.

Agenda Item #9, Discussion, recommendation and possible action regarding the Advisory Committee. Dr. Mehendale gave a report on the Advisory Committee. No action was taken on this agenda item.

Agenda Item #10, Discussion, recommendations, Disciplinary Process Review Committee (DPRC) disposition updates and possible action regarding Case Advisory Panels and case reviews.

18-0395 – After discussion, Dr. Mehta moved, Dr. Wynne seconded, and the motion passed unanimously to approve the Medical Director’s recommendation to refer the participant to DPRC and recommend that the participant remain with TXPHP.

Board direction to staff was given by Dr. Mehendale to establish a work group with Dr. Mehta, Ms. Swanholm, and TXPHP staff, regarding “zero tolerance.”

19-0212 – After discussion, Ms. Lane moved, Dr. Mehta seconded, and the motion passed to refer the participant to the DPRC Committee and recommend that the participant remain with TXPHP.

19-0283 – After discussion, Dr. Cook moved, Ms. Waters seconded, and the motion passed to refer the participant to the DPRC Committee with the recommendation to accept the referral.

19-0358 – After discussion, Ms. Waters moved, Dr. Mehta seconded, and the motion passed to refer the participant to the DPRC Committee and recommend that the participant remain with TXPHP.

19-0399 – After discussion, Dr. McDaniel moved, Dr. Wynne seconded, and the motion passed to refer the participant to the DPRC Committee with the recommendation to accept the referral.

19-1004 – After discussion, Dr. Mehta moved, Dr. Wynne seconded, and the motion passed to refer the participant to the DPRC Committee and recommend that the participant remain with TXPHP.

20-0503 – *Dr. Mehendale recused himself from this case.* After discussion, Dr. Butts moved that participant remain with TXPHP. Dr. Chancellor seconded the motion and then withdrew her second. Dr. Mehta seconded the motion. After discussion, Dr. Butts retracted his motion.

After discussion, Dr. Wynne moved, Dr. Cook seconded, and the motion passed to refer the participant to the DPRC Committee and recommend the participant remain with TXPHP. Dr. Mehta opposed the motion. All others voted in support of the motion.

Dr. McQueen reported that since the last TXPHP Governing Board meeting, two emergent referrals were made to the Texas Medical Board.

Agenda Item #11, Discussion, recommendation, and possible action regarding scheduling, procedures, and upcoming Board meetings, member rotation, Case Advisory Panel (CAP) scheduling, and possible agenda topics. Dr. Mehendale informed the Board that Dr. Mehta would like to be a part of CAP meetings. Ms. Boone requested to be added to the CAP member rotation. No action was taken on this agenda item.

Agenda Item #12, Discussion, recommendation, and possible action regarding adoption of proposed rule amendments to 22 T.A.C.:

- **Chapter 180: Texas Physician Health Program**
§180.4 – Operation of Program

Ms. Swanholm gave a summary regarding the proposed rule amendments. After discussion, Dr. Mehta moved, Dr. Boisubin seconded, and the motion passed to adopt the proposed rule amendments to 22 T.A.C: Chapter 180: Texas Physician Health Program § 180.4 – Operation of Program.

- **Chapter 161: General Provisions**

§161.11 – Memorandum of Understanding between TMB and TXPHP.

Ms. Swanholm gave a summary regarding the proposed rule amendments. After discussion, Ms. Lane moved, Dr. Mehta seconded, and the motion passed to adopt the proposed rule amendments to 22 T.A.C: Chapter 161:General Provisions § 161.11 – Memorandum of Understanding between TMB and TXPHP.

Break taken at 11:18 a.m. Meeting reconvened at 11:30 a.m.

Agenda Item #13, Discussion, recommendations, and possible action regarding treatment facility requirements for participants and a possible list of approved treatment facilities that meet the requirements. Discussion took place regarding potential treatment facility requirements and a possible list of approved treatment facilities for TXPHP participants. No action was taken on this agenda item.

Agenda Item #14, Open forum for public comments. No one signed up for public comment.

Agenda Item #15, There being no further items, Dr. Chancellor moved, Dr. Butts seconded, and the motion passed unanimously to adjourn the meeting at 12:27 p.m.