



**TEXAS PHYSICIAN HEALTH PROGRAM
BOARD MEETING**

333 Guadalupe, Tower 2, Suite 225
Austin, Texas 78701
Friday, November 13, 2020

The meeting was called to order on November 13, 2020 at 9:00 a.m. by Presiding Officer Anand Mehendale, M.D. Governing Board members present were: Eugene Boisaubin, M.D.; Mary Boone, LCSW, LCDC; 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. Jeffery Butts, D.O. was not present. Staff present were: TXPHP Medical Director Katherine McQueen, M.D.; TXPHP Program Director Rui Bernardo; TMB Executive Director Brint Carlton, J.D.; Legal Counsel Amy Swanholm, J.D.; and various other staff. *Dr. Boisaubin joined the meeting after roll call was taken at 10:05 a.m.*

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

Agenda Item #3, Board President Report. Dr. Mehendale reported that under the direction of Dr. McQueen, Mr. Bernardo, and Ms. Swanholm that TXPHP has never functioned better. No action was taken on this agenda item.

Agenda Item #4, TMB Report. Mr. Carlton reported on the relationship between TXPHP and TMB. Mr. Carlton reported that the majority of staff continues to telecommute and virtual meetings are continuing as well. TMB and TXPHP are on track to move into the new building in the summer of 2022. No action was taken on this agenda item.

Agenda Item #5, Program Director Report.

- a. Report on Program Enrollment to Date.** Mr. Bernardo reported that there are currently 288 participants in the program.
- b. Program Performance and Overall Operations.** Mr. Bernardo reported that overall operation is going well.
- c. Report on Outstanding Referrals.** Mr. Bernardo provided a report on outstanding referrals.

- d. Personnel Report.** Mr. Bernardo gave an update on personnel. There are two vacancies. They are an Administrative Assistant and a Clinical Coordinator. He confirmed that Staff continues to telecommute. No action was taken on this agenda item.

Agenda Item #6, Medical Director Report.

- a. Report on Drug Screening Results.** Dr. McQueen reported there are 188 participants actively engaged in testing. No action was taken on this agenda item.
- b. Report on Fee Waivers.** Dr. McQueen presented the Fee Waiver Report.
- c. Report on Program Policies.** Dr. McQueen reported that the Policies and Procedures Manual is currently being updated to reflect Board rules and process changes.

Agenda Item #7, Budget Report. Mr. Carlton stated that the overall budget for the Medical Board, including TXPHP, is healthy. The State Legislature has requested that 5% of the biennial budget be returned. No action was taken on this agenda item.

Agenda Item #8, Legal Report. Ms. Swanholm reported there are no lawsuits. She reported that the updates to the rules from the last meeting that should be approved at the next Medical Board meeting. 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.

10-0296 – *Dr. McDaniel recused himself from this case.* After discussion, Dr. Wynne moved, Ms. Lane seconded, and the motion passed unanimously to refer the participant to DPRC.

15-0102-C –After discussion, Dr. Wynne moved, Dr. Mehta seconded, and the motion passed unanimously to refer the participant to DPRC.

16-0178 –After discussion, Dr. Mehta moved, Ms. Waters seconded, and the motion passed unanimously to refer the participant to DPRC.

17-0171-A –After discussion, Dr. Mehendale moved, Ms. Lane seconded, and the motion passed unanimously to keep the participant with TXPHP.

18-0162 –After discussion, Dr. Mehta moved, Dr. Boisabuin seconded, and the motion passed to refer the participant to the MRT Board and recommend that participant remain with TXPHP.

18-0261 –After discussion, Dr. McDaniel moved, Ms. Waters seconded, and the motion passed unanimously to refer the participant to RCP Disciplinary Committee and recommend that participant remain with TXPHP.

19-0284 –After discussion, Ms. Waters moved, Dr. Boisaubin seconded, and the motion passed to refer the participant to RCP Disciplinary Committee and recommend that participant remain with TXPHP.

19-0333 –After discussion, Ms. Waters moved, Dr. Mehta seconded, and the motion passed unanimously to refer the participant to RCP Disciplinary Committee and recommend that participant remain with TXPHP.

19-1110 –After discussion, Dr. Mehendale moved, Dr. Chancellor seconded, and the motion passed unanimously to refer the participant to DPRC and recommend that the participant remain with TXPHP under zero tolerance.

Break taken at 10:40 a.m., meeting reconvened at 10:53 a.m. A quorum was met.

20-0204 –After discussion, Dr. Boisaubin moved to return the participant to DPRC. Dr. Chancellor seconded and then withdrew her second. Dr. Wynne seconded and then withdrew her second. Dr. Boisaubin withdrew the motion.

After further discussion, Dr. Boisaubin moved, Dr. Wynne seconded, and the motion passed unanimously to refer the participant to DPRC with the recommendation that the participant remain with TXPHP.

20-0415 –After discussion, Dr. Mehendale moved, Dr. Chancellor seconded, and the motion passed unanimously to refer the participant to DPRC with the recommendation that participant remain with TXPHP.

20-1005 –After discussion, Ms. Waters moved, Dr. Chancellor seconded, and the motion passed unanimously to refer the participant to DPRC.

Agenda Item #9, Discussion, recommendations, and possible action regarding the Advisory Committee. Dr. Mehendale gave a report on the Advisory Committee. After discussion, Dr. McDaniel moved, Dr. Wynne seconded, and the motion passed unanimously to appoint Dr. Schellin to the Advisory Committee.

Agenda Item #11, Discussion, recommendations, and possible action regarding scheduling, procedures, upcoming Board meetings, member rotation, Case Advisory Panel (CAP) scheduling, and possible agenda topics. Mr. Bernardo provided the CAP schedule. No action was taken on this agenda item.

Agenda Item #12, Discussion, recommendations, and possible action regarding TXPHP's "zero tolerance" for certain participants Dr. McQueen recommends that the Board refrain from using the term "zero tolerance" when making motions in the future. This item will be presented to the DPRC committee for their input. No action was taken on this agenda item.

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. Ms. Boone advised that she is still working on a list of facilities. 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. Boisaubin moved to adjourn the meeting, Dr. Cook seconded, and the motion passed unanimously. Dr. Mehendale adjourned the meeting at 11:52 a.m.