



**TEXAS PHYSICIAN HEALTH PROGRAM
BOARD MEETING**

Friday, October 1, 2021

The meeting was called to order on October 1, 2021 at 10:40 a.m. by Presiding Chair, Brian “Dean” McDaniel, D.O. Governing Board members present were: Mary Boone, LCSW, LCDC; Jeffery Butts, D.O.; Viki Chancellor, M.D.; Mark Kunik, 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 Eugene Boisaubin, M.D. and Ron Cook, D.O. 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.

Agenda Item #2, Discussion, recommendations, and possible action regarding July 30, 2021, Governing Board meeting minutes. After discussion, **Dr. Mehta moved, Dr. Chancellor seconded, and the motion passed to approve the July 30, 2021, Governing Board meeting minutes as written.**

Agenda Item #3, Board President Report. Dr. McDaniel gave a report and made comments regarding the pandemic.

Agenda Item #4, TMB and Budget Report. Mr. Carlton gave a report on the budget and the agency’s response to Covid-19.

Agenda Item #5, Report on Internal Audit. Daniel Graves gave a report on the upcoming Internal Audit focusing on TXPHP.

Agenda item #6, Discussion, recommendation, and possible action regarding the Awareness Ad Hoc committee. Dr. Wynne discussed how the committee plans to bring awareness regarding TXPHP.

Agenda Item #7, Discussion, recommendations, and possible action regarding the Marijuana Ad Hoc committee. Dr. Butts discussed the committee’s task to look at legitimate use of marijuana as prescribed by physicians.

Agenda Item #8, Program Director Report.

- a. **Report of program enrollment to date.** Mr. Bernardo reported that there were currently 293 participants for FY 2021 Q4. Mr. Bernardo provided a full report of participant referrals, pending referrals and participation.
- b. **Report on Program Performance and Overall Operations.** Mr. Bernardo gave a report on program performance and overall operations.
- c. **Report on Outstanding Referrals.** Mr. Bernardo reported that there are currently only 11 pending referrals.
- d. **Personnel Report.** Mr. Bernardo reported on vacancies and new hires.

Agenda Item #9, 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.
- c. **Report on Program Policies.** Dr. McQueen reported that the Policies and Procedures are still being updated.

Dr. McQueen also gave a CAP report.

Agenda Item #10, Legal Report. Nothing to report. Sarah Tuthill, J.D., and Yvette Yarborough, J.D., introduced themselves as the new legal counsel for TXPHP.

Agenda Item #11, Discussion, recommendation, and possible action regarding Program Policies. Dr. McQueen presented proposed changes to the program policies. After discussion, **Dr. Mehta moved, Ms. Lane seconded, and the motion passed to accept the proposed changes to the program policies as written.**

Agenda Item #12, Discussion, recommendation and possible action regarding the Advisory Committee. Dr. Aekta Malhotra introduced herself as an applicant for the Advisory Committee. After discussion, **Dr. Wynne moved, Dr. Mehta seconded, and the motion passed to accept Dr. Malhotra as a member of the Advisory Committee.**

The board recessed briefly at 12:06 pm. The board reconvened at 12:11 pm and a quorum was confirmed.

Agenda Item #13, Discussion, Recommendations, Disciplinary Process Review Committee (DPRC) disposition updates and possible action regarding case advisory panels and case reviews.

Case #1 – 17-0376-A – After discussion, Dr. Mehta moved to report the participant to DPRC with a recommendation to remain with TXPHP, Dr. Kunik seconded, and the motion passed unanimously.

Case #2 – 18-0261 – After discussion, Ms. Waters moved to refer the participant to RCP Discipline and Ethics Committee, with the recommendation to remain with TXPHP, Dr. Chancellor seconded, and the motion passed unanimously.

Case #3 – 21-0101 – After discussion, Ms. Lane moved to refer the participant to MRT Discipline and Ethics Committee with the recommendation to remain with TXPHP, Dr. Wynne seconded, and the motion passed unanimously.

Case #4 – 21-0205 – After discussion, Dr. Mehta moved to refer the participant to DPRC with the recommendation to remain with TXPHP, Dr. Kunik seconded, and the motion passed unanimously.

Case #5 – 21-0511 – After discussion, Ms. Waters moved to refer the participant to MRT Discipline and Ethics Committee, with the recommendation to remain with TXPHP, Dr. Kunik seconded, and the motion passed unanimously.

Case #6 – 21-0607– After discussion, Dr. Kunik moved to refer to DPRC with the recommendations that the participant remain with TXPHP, Dr. Wynne seconded, and the motion passed unanimously.

Case #7 – 21-0717 – After discussion, Dr. Chancellor moved to defer the decision until the IDE is back, Dr. Kunik seconded, and the motion passed unanimously.

Dr. Kunik left the meeting at 12:58 pm.

Agenda Item #14, Report on Emergent Referrals. There were no emergent referrals to TMB.

Agenda Item #15, Discussion, recommendations, and possible action regarding scheduling, procedures, and upcoming Board meetings, member rotation, Case Advisory Panel (CAP) scheduling, and possible agenda topics. Mr. Bernardo presented the new CAP schedule.

Agenda Item #16, Open forum for public comments. No one signed in to make public comments.

Agenda Item #17, Adjourn. There being no further items, **Ms. Lane moved, Dr. Wynne seconded, and the motion passed to adjourn the meeting at 1:02 p.m.**