



**TEXAS PHYSICIAN HEALTH PROGRAM
BOARD MEETING**

Friday, November 19, 2021

The meeting was called to order on November 19, 2021 at 9:11 a.m. by Board President, Brian “Dean” McDaniel, D.O. Governing Board members present were: Mary Boone, LCSW, LCDC; Jeffery Butts, D.O.; Ronald Cook, D.O.; 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 Viki Chancellor, M.D. Staff present were: TXPHP Medical Director, Katherine McQueen, 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 Yvette Yarbrough, J.D.; and various other staff.

Agenda Item #2, Consideration and approval of the following October 1, 2021 meeting minutes.

a. October 1, 2021 Governing Board meeting minutes.

After discussion, **Dr. Cook moved, Dr Mehta seconded and the motion passed to approve the October 1, 2021 Governing Board meeting minutes as written.**

b. October 1, 2021 Awareness Ad Hoc Committee meeting minutes.

c. October 1, 2021 Marijuana Ad Hoc Committee meeting minutes.

After consideration, **Dr. Mehta moved, Dr. Wynne seconded, and the motion passed to approve the October 1, 2021, Awareness Ad Hoc and Marijuana Ad Hoc Committee meeting minutes as written. Ms. Lane abstained.**

Agenda Item #3, Board President Report. Dr. McDaniel reported on the accomplishments and growth of TXPHP.

Agenda Item #4, TMB and Budget Report. Mr. Carlton discussed the change in legal counsel and reported that a majority of staff continues to work from home due to the pandemic. The agency is on track to move to the new building in 2022. Mr. Carlton reported that the agency’s budget has not yet been fully restored and there is no budget for travel. A new CFO will start with the agency on December 1, 2021.

Agenda Item #5, Committee reports and the consideration and approval of minutes and action items of committee meetings on November 19, 2021:

- a. **Awareness Ad Hoc Committee meeting** After consideration, **Ms. Waters** moved, **Dr. Cook** seconded and the motion passed to approve the Awareness Ad Hoc Committee meeting minutes as written.

Agenda Item #6, Program Director Report.

- a. **Report of Program Enrollment to Date.** Mr. Bernardo reported that there are currently 298 participants for FY 2022 YTD. 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 only 12 pending referrals and gave a breakdown by license type.
- c. **Report on Program Performance and Overall Operations** Mr. Bernardo gave a preview of the new TXPHP website and reported that the FAQs are currently being revised.
- d. **Personnel Report.** Mr. Bernardo reported on current vacancies, resignations, and new hires.

Agenda Item #7, Medical Director Report

- a. **Report on Drug Screening Results.** Dr. McQueen gave a report on Drug Screening Results.
- b. **Report on Fee Waivers.** Nothing to report.

Agenda Item #8, Legal Report. Mr. Freshour gave a legal report.

Agenda Item #9, Discussion, recommendation and possible action regarding the Advisory Committee. There was nothing to report for this item.

The board recessed briefly at 10:19 am. The board reconvened at 10:35 am and a quorum was confirmed.

Agenda Item #5, Committee reports and the consideration and approval of minutes and action items of committee meetings on November 19, 2021:

- b. **Marijuana Ad Hoc Committee meeting.** After consideration, **Dr. Wynne** moved, **Ms. Lane** seconded and the motion passed to approve the minutes and the submission of the position paper on THC and cannabis containing product use to the Texas Medical Board as written.

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

Dr. Mehta motioned, Dr. Cook seconded and the motion passed unanimously to go into Executive Session for 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 at 10: 56 am. Open Session resumed at 11:19 am.

Case #1 – 10-0119-A – After discussion, Dr. Wynne moved to refer the participant to DPRC with the recommendation that they accept the referral, Dr. Mehta seconded and the motion passed unanimously.

Case #2 – 15-0212-A – After discussion, Ms. Waters moved to refer the participant to PA Discipline and Ethics Committee, with the recommendation to remain with TXPHP, Ms. Lane seconded, and the motion passed unanimously.

Case #3 – 17-0444 – After discussion, Dr. Mehta moved to refer the participant to DPRC with the recommendation to remain with TXPHP, Dr. Cook seconded, and the motion passed unanimously.

Case #4 – 17-0464– After discussion, Dr. Cook moved to refer the participant to DPRC with the recommendation to remain with TXPHP, Ms. Boone seconded, and the motion passed unanimously.

Case #5 – 19-0212 – After discussion, Ms. Lane moved to refer the participant to MRT Discipline and Ethics Committee, with the recommendation that they accept the referral, Dr. Wynne seconded, and the motion passed unanimously.

Case #6 – 20-0608– After discussion, Ms. Boone moved to refer to DPRC with the recommendations that they accept the referral, Dr. Kunik seconded, and the motion passed unanimously.

Case #7 – 20-0803 – After discussion, Dr. Butts moved to refer the participant to MRT Discipline and Ethics Committee, with the recommendation that they remain with TXPHP, Dr. Mehta seconded, and the motion passed unanimously.

Case #8 – 20-0906 – After discussion, Dr. Wynne moved to refer the participant to DPRC with the recommendation that they remain with TXPHP, Dr. Kunik seconded and the motion passed unanimously.

Case #9 – 21-0503 – After discussion, Dr. Kunik moved to refer the participant to DPRC with the recommendation that they accept the referral, Dr. Cook seconded and the motion passed unanimously.

Case #10 – 21-0511 – After discussion, Dr. Mehta moved to refer the participant to MRT Discipline and Ethics Committee, with the recommendation that they accept the recommendation, Ms. Waters seconded. Ms. Waters withdraws her second. Ms. Lane seconded. The motion fails in voting. Dr. Kunik moved to defer the decision until the next meeting awaiting further information, Ms. Waters seconded and the motion passed unanimously.

Case #11 – 21-0717 – After discussion, Dr. Kunik moved to keep the participant with TXPHP, Dr. Wynne seconded and the motion passed unanimously.

Case #12 – 0809 – After discussion, Ms. Waters moved to refer to the RCP Discipline and Ethics committee with the recommendation that they remain with TXPHP, Dr. Wynne seconded and the motion passed unanimously.

Case #13 – 21-0810 – After discussion, Dr. Kunik moved to refer to DPRC with the recommendation that they remain with TXPHP, Dr. Mehta seconded and the motion passed unanimously.

Agenda Item #11, Report on Emergent Referrals. There were no emergent referrals to TMB.

Agenda Item #12, Discussion, recommendations, and possible action regarding scheduling, procedures, and upcoming Board meetings, member rotation, Case Advisory Panel (CAP) scheduling. The next Governing Board meeting will be February 11, 2022.

Agenda Item #13, Open forum for public comments. No one signed in to make public comments.

Agenda Item #14, Adjourn. There being no further items, Ms. Lane moved, Dr. Butts seconded, and the motion passed to adjourn the meeting at 12:23 p.m.