



BOARD OF RESPIRATORY CARE
BOARD MEETING MINUTES
JULY 29, 2016

The meeting was called to order July 29, 2016 at 12:06 p.m. by Joe Ann Clack, Presiding Officer. Board members Timothy R. Chappell, M.D.; Latana T. Jackson-Woods, RCP; Sam G. Marshall, RCP; Debra E. Patrick, RCP; Shad J. Pellizzari, RCP; Kandace D. Pool; Sonia K. Sanderson; and James M Stocks, M.D, were present. Board staff Mari Robinson, J.D., Executive Director; Robert Breidt, M.D., Medical Director; Scott Freshour, J.D., General Counsel; Yvette Yarbrough, J.D., Sarah Tuthill, J.D., Wendy Pajak, J.D., and Rob Blech, J.D., Assistant General Counsels; and various other staff were present. Ms. Robinson noted that the July 29th meeting is the first meeting of the Board of Respiratory Care.

Agenda item #2, Board Member Report. Ms. Robinson summarized that the Board Member Report is for information provided by the board members and requested members notify staff when they have information to report for any upcoming meeting.

Agenda item #3, Executive Director Report.

Legislative Update. Ms. Robinson gave a legislative update and a brief update on the ongoing Sunset Review process. Ms. Robinson reviewed the Legislative Appropriation Request (LAR) process which is submitted for the agency's budgetary needs. The projected date to file the LAR is August 5, 2016.

Budget. Ms. Robinson reported the agency budget continues to remain on target to end the fiscal year in good standing.

Outreach Update. Ms. Robinson reviewed the Outreach schedule and informed the board that future Outreach presentations may be scheduled for respiratory care therapists.

Building badges. Ms. Robinson informed the members that state identification badges are available at the Department of Public Safety and staff is available to assist in the application process.

Email Update. Ms. Robinson informed members their agency email addresses have been issued and need to be utilized when conducting board business or contacting agency staff by email.

Committees. Ms. Robinson informed the Board there are two board committees, the Licensure Committee and the Discipline and Ethics Committee. The committees will be scheduled to meet at the next board meeting.

Election. Ms. Robinson reported the nomination and election of board officers will be on the next board meeting agenda.

Agenda item #4, Medical Director Report. Dr. Bredt gave a brief introductory statement. He reported two respiratory care therapists are currently serving as expert panelists for the agency and requested the members send him their suggestions for additional panelists.

Agenda item #5, Consideration and possible action regarding pending litigation. Mr. Freshour gave an overview of pending litigation and what to expect during this agenda item which would consist of actions brought against the agency or other significant litigation issues that might impact the board.

Agenda item #6, Workload Report. After a brief overview of the agency workload, Ms. Robinson reported on the new processes implemented to address the high increase in calls and the status of a new online resource to allow applicants to upload documents directly into the online system.

Agenda item #7, Discussion, recommendation, and possible action regarding renewals involving impaired licensees. Ms. Robinson reported licensees, who report a mental or physical condition that impairs their ability to perform as an RCP on their renewal application, will be presented in the future to the Discipline and Ethics Committee.

After discussion, **Dr. Chappell moved, Mr. Marshall seconded, and the motion passed to approve Applicant #1 licensure renewal with the request for the licensee to provide a follow-up letter from the employer as to job performance to make a final determination.** Ms. Jackson-Woods and Mr. Pellizzari opposed the motion.

After discussion, **Dr. Stocks moved, Ms. Jackson-Woods seconded, and the motion passed to refer Applicant #2 to Physician Health Program (PHP).**

After discussion, **Dr. Chappell moved, Mr. Pellizzari seconded, and the motion passed to refer Applicant #3 to PHP.**

After discussion, **Dr. Chappell moved, Mr. Pellizzari seconded and the motion passed to refer Applicant #4 to PHP.** Dr. Stocks opposed the motion.

Agenda item #8, Discussion, and possible action regarding selected files and cases.

After discussion, **Ms. Jackson moved, Mr. Pellizzari seconded, and the motion passed to dismiss Log #16-5133.**

After discussion, **Dr. Stocks moved, Dr. Chappell seconded, and the motion passed to dismiss Log #16-5153.**

After discussion, **Dr. Stocks moved, Mr. Pellizzari seconded, and the motion passed to refer Log #16-5693 back for addition investigation.**

After discussion, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to dismiss Log #16-5705.**

After discussion, **Dr. Stocks moved, Ms. Pool seconded, and the motion passed to dismiss Log #16-6068.**

Agenda item #9, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to approve the Agreed Board Order for Curtina McCallister Williams, RCP, as presented.** Ms. Sanderson opposed the motion.

Agenda item #10, Discussion, recommendation and possible action regarding proposed licensure agreed orders/remedial plans offered by the Executive Director. After discussion, **Dr. Chappell moved, Ms. Marshall seconded, and the motion passed to approve Licensure with a Remedial Plan for Adriane Stach, RCP.**

After discussion, **Dr. Chappell moved, Mr. Pellizzari seconded, and the motion passed to approve Licensure with a Remedial Plan with 4 hours of Ethics for Victor Ruiz, TRCP.**

After discussion, **Ms. Jackson-Woods moved, Dr. Chappell seconded, and the motion passed to approve Licensure with a Remedial Plan with the 4 hours of Ethics for Sarah Escobedo, RCP.**

The meeting recessed at 2:00 p.m.

The meeting was reconvened at 2:05 p.m.

Agenda item #11, Discussion, recommendation, and possible action regarding propose rules to 22 T.A.C. Chapter 186. Respiratory Care Practitioners, §§186.1 – 186.29. Mr. Freshour reviewed the proposed amendments and rule review to 22 T.A.C. Chapter 160, §§160.1-160.3. After discussion, the Board directed staff to revise the proposed rules as discussed and bring back to the Board to review and approve for publication.

Agenda item #12, Open forum for public comments. Russell Graham signed-in and presented oral comments.

Agenda item #30, Adjourn. There being no further agenda items, the meeting adjourned at 3:40 p.m.

TEXAS BOARD OF RESPIRATORY CARE
DISCIPLINARY & ETHICS COMMITTEE
Investigations Review List
July 29, 2016

<u>FILE#</u>	<u>ALLEGATION</u>	<u>CLOSE</u>	<u>CONTINUE</u>	<u>ISC</u>	<u>HOLD</u>
16-5133	604.201(B)(4)	X			
16-5153	604.201(B)(4)	X			
16-5693	604.201(B)(4)		X		
16-5705	604.201(B)(4)	X			
16-6068	604.201(B)(4)	X			