



## TEXAS BOARD OF RESPIRATORY CARE

### BOARD MEETING MINUTES

JUNE 28, 2018

The meeting was called to order June 28, 2018 at 10:24 a.m. by, Stephen Brint Carlton, J.D., Executive Director. Board members present were Timothy R. Chappell, M.D.; Sam G. Marshall, Ph.D., RCP; Debra E. Patrick, RCP, Secretary/Treasurer; Shad J. Pellizzari, RCP; Kandace D. Pool; and James M. Stocks, M.D. were present. Joe Ann Clack, Presiding Officer, Sonia K. Sanderson, and Latana T. Jackson-Woods, RCP, Assistant Presiding Officer were absent. General Counsel Scott Freshour, J.D.; Megan Goode, Governmental Affairs and Public Information Manager; Monique Johnston, Licensure Manager; Assistant General Counsels Yvette Yarbrough, J.D., Rob Blech, J.D., Amy Swanholm, J.D., and Wendy Pajak, J.D.; and various other staff were present.

There were no items for Agenda item #2.

**Agenda item #3, Executive Director Report.** Mr. Carlton introduced himself and gave a brief update on his meeting with Texas Medical Board staff and members of the Legislature. He also discussed the Sunset process and agency audit.

**Budget Update.** Ms. Corrales gave an update on the budget and provided information for projected expenditures, encumbrances, and revenues.

**Legislative Update.** Ms. Goode reported that the Sunset Commission adopted its final recommendations in this second and limited Sunset Review of Texas Medical Board. Most of the recommendations were repeats from recommendations that they adopted last session adoptions but weren't passed in a bill. Ms. Goode reported that the only recommendation from Sunset staff that related to the RCP Board was the recommendation to shore up the statute to make clear that Board staff always train new Board members.

**Audit Update.** Ms. Goode reported that the internal auditors, based on their risk assessment and a discussion with the Executive Committee of the Medical Board, proceeded with an audit of the TXPHP. Management comments to the auditors' draft report were provided and feedback is estimated to be provided within two weeks.

**Email.** Mr. Carlton reminded Board members to utilize TMB-provided email address for business-related matters.

There were no items for Agenda items #4.

**Agenda item #5, Consideration and possible action regarding pending litigation.** Mr. Freshour discussed pending litigation. No action was taken.

There were no items for Agenda item #6-7.

**Agenda item #8, Discussion, recommendation, and possible action regarding Modification/ Termination Requests.** After discussion, **Dr. Stocks moved, Dr. Chappell seconded, and the motion passed to approve the Modification Order for Mario E. Sarmiento, R.C.P.**

**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 Order for Forrest D. Commander, R.C.P.**

After discussion, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to approve the Agreed Order for Belinda G. Herring, R.C.P.**

**Agenda item #10, Discussion, recommendation, and possible action regarding Remedial Plans.** After discussion, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to approve the Remedial Plan for Lacey E. Hart, R.C.P.**

**Agenda item #11, Discussion, recommendation, and possible action regarding Mediated Settlement Agreed Orders.** After discussion, **Dr. Stocks moved, Dr. Chappell seconded, and the motion passed to approve the Mediated Settlement Agreed Order for Ivan Valenzuela, R.C.P.**

There were no items for Agenda items #12-14.

**Agenda item #15, Discussion, recommendation, and possible action relating to shadowing.** Ms. Yarbrough opened the discussion about a complaint received from the Texas Society of Respiratory Care regarding the Board's requirement for shadowing in situations where active practice is an issue. Mr. Hernandez, the Vice President for Texas Society of Respiratory Care, was present and addressed the Board in regards to shadowing within hospitals. Mr. Hernandez proposed a detailed check-off competency list instead of shadowing.

After discussion, **Dr. Chappell moved, Ms. Pool seconded, and the motion passed to prospectively eliminate the policy requiring shadowing for active practice issues and to form an ad hoc committee to research, develop and make recommendations to the RCP Board regarding licensure and re-licensure requirements. The following Board members were identified as members of the ad hoc committee: Dr. Stocks, Mr. Pellizzari, Dr. Chappell, Ms. Patrick, and Ms. Jackson-Woods. Mr. Pellizzari will chair the ad hoc committee.**

**Agenda item #16, Discussion, recommendation and possible action relating to NBRC voluntary examinations.** Ms. Yarbrough announced that TMB received a letter from NBRC clarifying that NBRC does not technically have a “voluntary” exam. There is the option to retake the credentialing exam, and NBRC provided the steps that testers need to follow in order to do so. No action was taken.

**Agenda item #17, Discussion, recommendation, and possible action relate to rule on PICC line and venipuncture.** Ms. Yarbrough announced that Mr. Carlton received a concern from a Medical Radiologic Technologist Board Member in regards to this Board’s confirmation of PICC line placement as being within the RT scope of practice. No action was taken.

There were no items for Agenda items #18-19.

**Agenda item #20, Report of Suspension by Operation of Law.** Mr. Freshour provided a report. No action was taken.

There were no items for Agenda items #21-23.

The Board recessed at 11:30 a.m.

The Board reconvened at 11:44 a.m.

**Agenda item #24, Open forum for public comments.**

Mr. Amdu Azker made a public comment; Mr. Theodore Tovar from Houston Community College made a public comment; Mr. Lee Bukstein made a public comment; Mr. Keith M., Chair of RCP Advisory Committee for Virginia College and Ms. Jenna M., Program Director for Virginia College made a public comment; Texas State University representative made a public comment; Mr. Richard Hernandez made a public comment; and Ms. Sharon Armstead, Director of Clinical Education for Texas State University, made a public comment.

**Agenda item #25, Consideration and Approval of the February 8, 2018 Respiratory Care Board Meeting Minutes.** After consideration, **Dr. Chappell moved, Ms. Pellizzari seconded, and the motion passed to approve the February 8, 2018 Respiratory Care Board Meeting Minutes.**

**Agenda item #26, Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.** After consideration, **Dr. Stocks moved, Dr. Chappell seconded, and the motion passed to approve the minutes and action items of the Discipline and Ethics Committee during the board meeting.**

After discussion regarding the Practice Authorization Committee minutes and action items, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to remove the stipulations of shadowing for R.C.P. Applicant #2192.**

After discussion, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to adopt the minutes of the Practice Authorization Committee and remaining action items as listed with the exception of the specifications on Applicant #2202 and #2192.**

**Agenda item #27, Adjourn.** There being no further agenda items, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to adjourn the meeting at 12:34 p.m.**