



Texas Board of Medical Radiologic Technology

BOARD MEETING MINUTES

September 20, 2016

The first meeting of the Board of Medical Radiologic Technology was called to order at 12:16 p.m. by Anthony "Tony" Jaso, Presiding Officer. Board members Nicholas M. Beckman, M.D.; Joe Chien Yuan Chow, MRT; Jennifer C. Flanagan; Faraz A. Khan, M.D.; Regan R. Landreth; Melanie "Shannon" Lutz, Scott A. Morren, MRT, and Carol Waddell, MRT, were present. Staff members present were Scott Freshour, General Counsel Megan Goode, Governmental Affairs and Communication Manager; Monique Johnston, Licensure Manager; Sonja Aurelius, Enforcement Support Manager, and various other staff.

Agenda item #2, Board Member Report. Mr. Jaso welcomed and thanked the new board members for serving on the board.

Agenda item #3, Executive Director's Report.

Legislative Update. Ms. Goode gave a Legislative update on upcoming legislative items and dates of interest. Ms. Goode noted the Legislative Appropriations Request was submitted in August and pre-filing of legislation will begin in November. Ms. Goode reviewed the Sunset Review purpose and process. The Sunset Commission is scheduled to make final decisions on recommendations to the Legislature in January 2017.

Ms. Goode reported the FY16 Internal Audit on the TMB Compliance Department was completed and approved by the Medical Board.

Outreach update. Ms. Goode presented and reviewed the Outreach scheduled.

Budget update. Brandy Corrales, Finance Manager, presented and reviewed the FY17 Budget Report with the projected expenditures and revenue.

Building badges. Mr. Freshour noted that employee identification badges could be obtained at the Department of Public Safety and staff is available to assist in the application process.

Email Update. Mr. Freshour reported the members should use the agency email system for any board business

Committees. Mr. Freshour reported two committees will begin meeting at future board meetings. After discussion, Mr. Jaso appointed Ms. Flanagan, Chair of the Licensure Committee, and Dr. Beckman; Mr. Chow; Ms. Waddell; and Mr. Jaso as members to the Licensure Committee. After discussion, Mr. Jaso appointed Mr. Morren, Chair; of the

Discipline and Ethics Committee and Dr. Beckman; Dr. Khan; Ms. Landreth; and Ms. Lutz as members to the Discipline and Ethics Committee.

Election. Mr. Freshour reviewed the process for the election of officers. After discussion, **Dr. Khan agreed to be the Presiding Officer and the board approved by acclamation. Ms. Flanagan agreed to be Secretary/Treasurer and the board approved by acclamation.**

Agenda item #4, Medical Director Report. Dr. Bredt reviewed the ISC process and the role of the Expert Panelists. Dr. Bredt requested the members send him suggestions for additional panelists.

Agenda item #5, Consideration and possible action regarding pending litigation. 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 review of the agency workload, Mr. Freshour 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 applicants appearing concerning eligibility.

Applicant #1873 appeared before the Committee on referral by the Executive Director. The applicant presented a brief summary and the Committee members asked questions. **Dr. Beckmann moved that the applicant be granted a full Medical Radiologic Technologist certificate, under a non-disciplinary Remedial Plan with the following conditions:**

- **4 hours of continuing medical education in Ethics**

This recommendation is based on submitting a false statement to the Board. **Mr. Morren seconded the motion, and the motion passed to approve Applicant #1873 be granted a full Medical Radiologic Technologist certificate, under a non-disciplinary Remedial Plan with the condition to complete 4 hours of continuing medical education in Ethics.** Dr. Khan voted against the motion.

Applicant #1870 appeared before the Committee on referral by the Executive Director. The applicant presented a brief summary and the Committee members asked questions. Mr. Morren moved that the applicant be determined ineligible for placement on the Non-Certified Radiologic Technician (NCT) Registry. The motion failed for a lack of a second. **Dr. Khan moved that the applicant be placed on the NCT registry, under a non-disciplinary Remedial Plan with the following conditions of 4 hours of continuing medical education in Ethics.** This recommendation is based on the applicant's criminal history and practicing as a NCT with expired credentials. **Ms. Waddell seconded, and the motion passed to approve Applicant #1870 be placed on the NCT registry, under a non-disciplinary Remedial Plan**

with the following conditions to complete 4 hours of continuing medical education in Ethics. Mr. Morren and Ms. Flanagan voted against the motion.

Applicant #1872 appeared before the Committee on referral by the Executive Director. The applicant presented a brief summary and the Committee members asked questions. Ms. Waddell moved and Ms. Flanagan seconded a motion to approve that the applicant be granted a full Medical Radiologic Technologist certificate. Ms. Waddell and Ms. Flanagan voted for the motion. Dr. Beckmann, Mr. Chow, Dr. Khan, Ms. Landreth, Ms. Lutz and Mr. Morren voted against the motion. The motion failed. During discussion the Board was apprised of the Texas Physician's Health Program (TPHP) and the purpose it serves the Board's applicants and licensees. **Dr. Beckmann moved that the applicant be granted a full Medical Radiologic Technologist certificate under an Agreed Order subject to the following terms and conditions: Referral to the Texas Physician's Health Program (TPHP).** This recommendation is due to the applicant's criminal history. **Mr. Chow seconded the motion.** Discussion continued about the cost associated with a referral to the TXPHP and the availability of reduced fees. **Mr. Chow withdrew his second. Dr. Khan seconded Dr. Beckmann's motion and the motion passed to approve Applicant #1872 full Medical Radiologic Technologist certificate under an Agreed Order subject to a referral to the Texas Physician's Health Program (TPHP).** Mr. Chow and Ms. Flanagan opposed the motion.

Applicant #1871 appeared before the Committee on referral by the Executive Director. The applicant presented a brief summary and the Committee members asked questions. **Dr. Beckmann moved that the applicant be placed on the NCT registry, under a non-disciplinary Remedial Plan with the following conditions to complete 4 hours of continuing medical education in Ethics.** This recommendation is based on the applicant's submission of a false statement to the Board. **Ms. Waddell seconded the motion, and the motion passed to approve Applicant #1871 be placed on the NCT registry, under a non-disciplinary Remedial Plan with the complete of 4 hours of continuing medical education in Ethics.**

Applicant #1869 appeared before the Committee on referral by the Executive Director. The applicant presented a brief summary and the Committee members asked questions. **Dr. Beckmann moved, Mr. Chow seconded, and the motion passed to approve the applicant be privately referred to the Texas Physician's Health Program (TPHP) and upon resolution with the TPHP be granted a full Medical Radiologic Technologist certificate.**

After discussion, the board directed staff to continue to evaluate applications for approval involving moral turpitude using guidelines for staff discretion. The board directed staff to present applications to the Licensure Committee that involve all crimes concerning the practice of radiology, felonies, felony adjudication, sexual offenses related to children, failure to report child or elder abuse, or moral turpitude that involve assault.

Agenda item #8, Discussion, recommendation, and possible action regarding proposed licensure agreed orders/licensure remedial plans offered by the Executive Director. After discussion, **Dr. Beckman moved, Ms. Lutz seconded, and the motion passed**

to approve the proposed licensure agreed orders/licensure remedial plans offered by the Executive Director.

Agenda items #9-10 were deferred to later in the meeting.

There were no items for Agenda items #11-14.

Agenda item #15, Open Forum for Public Comments. Ms. Lawson signed-in and present public comments.

The board recessed at 2:58 p.m.

The board reconvened at 3:04 p.m.

Agenda #9, Discussion, recommendation and possible action regarding proposed orders/remedial plans offered by the Executive Director. Mr. Freshour gave a report on items that would be presented under this agenda item.

Agenda #10, Review, discussion, and possible action regarding selected files and cases.

Investigations: 16-7068, 16-6619, 16-6071, 16-6070, 16-5789, 16-5702, 16-5694, 16-5453, 16-5445, 16-5332, 16-5319, 16-5314, 16-5311;

After discussion, **Dr. Beckham moved, Ms. Waddell seconded, and the motion to pass to approve to dismiss Log #16-3446.**

After discussion, **Dr. Khan moved, Dr. Beckman seconded, and the motion passed to approve to dismiss Log #16-5135.**

After discussion, **Ms. Waddell moved, Dr. Khan seconded, and the motion passed to approve to dismiss Log #16-5310.**

After discussion, **Mr. Chow moved, Ms. Landreth seconded, and the motion passed to approve to dismiss en masse Log #16-5311, #16-5314, #16-5319, #16-5332, #16-5694, #16-5702, #16-5789, #16-6070, and #16-6071.** Log #16-5445 and #16-5453 were pulled for discussion.

After discussion, **Dr. Chow moved, Ms. Landreth seconded, and the motion passed to send Log #16-5445 to Investigations for additional investigation.**

After discussion, **Ms. Landreth moved, Mr. Chow seconded, and the motion passed to send Log #16-5453 back to Investigations for additional investigation.**

Agenda #10, Review, discussion, and possible action regarding selected files and cases. (Continued) Litigation: #16-0738 and #16-0737.

After discussion, **Ms. Waddell moved, Ms. Lutz seconded, and the motion passed to approve Legal #16-0737 and #16-0738 for dismissal**

There were no items for Agenda item #11.

Agenda item #12, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, **Ms. Landreth moved, Dr. Chow seconded, and the motion passed to approve the Agreed Board Orders for Christopher A. Brown, MRT; Robert Noll, MRT, and Chris Rogers, MRT, as presented.**

There were no items for Agenda item #13.

Agenda item #14, Discussion, recommendation, and possible action regarding propose rule review and amendments to 22 T.A.C. Chapter 194. Non-Certified Radiologic Technicians. Ms. Tuthill reviewed the proposed amendments and rule review. After discussion, **Mr. Morren moved, Ms. Lutz seconded, and the motion passed to approve the proposed rule review and amendments to 22 T.A.C. Chapter 194. Non-Certified Radiologic Technicians for publication in the Texas Register for public comment with non-substantial changes.**

Agenda item #15. Adjourn. There being no further agenda items, the meeting adjourned at 5:50 p.m.