

**TEXAS BOARD OF RESPIRATORY CARE  
MINUTES OF THE  
DISCIPLINE AND ETHICS COMMITTEE**

February 6, 2020, 9:00 a.m.

Chair Timothy R. Chappell, M.D., called the meeting to order at 9:11 a.m. Other members present were Sam Marshall, RCP, PhD, Shad Pellizzari, RCP, and Kandi Pool. Sonia Sanderson was not in attendance.

Stephen Brint Carlton, J.D. Executive Director, Scott Freshour, J.D. General Counsel and various other staff were also present.

**Agenda Item #2.** Discussion, recommendation, and possible action regarding referrals and reports from the Texas Physician Health Program.

**Dr. Marshall moved and Ms. Pool seconded that TX PHP Case #1 remain with TXPHP under a five-year Agreement. Motion carried.**

**Mr. Pellizzari moved and Dr. Marshall seconded that TX PHP Case #2 remain with TXPHP under zero tolerance. Motion carried.**

**Dr. Marshall moved and Mr. Pellizzari seconded that TX PHP Case #3 remain with TXPHP under a five-year Agreement. Motion carried.**

**Mr. Pellizzari moved and Ms. Pool seconded that TX PHP Case #4 remain with TXPHP under a five-year Agreement with zero tolerance. Motion carried.**

**Dr. Marshall moved and Mr. Pellizzari seconded that TX PHP Case #5 remain with TXPHP under a five-year Agreement. Motion carried.**

**Agenda Item #3.** Reports and discussion regarding the Investigation, Litigation and Compliance Departments.

**Brint Carlton presented the Enforcement Activity Report for FY2020, a copy of which is attached. This was an informational item only and no vote was necessary.**

**Agenda Item #4.** Discussion, recommendation, and possible action regarding Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code:<sup>3</sup>

**It was announced by staff that there were no proposed rules to be presented to the D&E Committee under Agenda Item #4.**

**Agenda Item #5** Consideration of approval of membership of the Expert Panel.

**It was announced by staff that there were no membership of the Expert Panel to be presented for Agenda Item #5.**

**Agenda Item #6.** Review, discussion and possible action regarding appeals of dismissed complaints.

**It was announced by staff that there were no appeals of dismissed complaints to be presented for Agenda Item #6.**

**Agenda Item #7.** Discussion, recommendation, and possible action regarding routine follow-up on investigative files previously referred from the D & E Committee for follow-up action.

**It was announced by staff that there were no follow-up files to be presented for Agenda Item #7.**

**Agenda item #8.** Review, discussion, and possible action regarding selected files and cases.

**Dr. Marshall moved and Mr. Pellizzari seconded that SOAH Case #503-19-6954.RCP and SOAH Case #503-19-6948.RCP be dismissed. Motion carried.**

**Ms. Pool moved and Mr. Pellizzari seconded that the investigations and cases reviewed by the committee be resolved as noted and that they be listed along with each resolution as part of the minutes of this Committee. Motion carried.**

**Agenda item #9.** Adjourn

**There being no other business to discuss, Mr. Pellizzari moved that the meeting adjourn. Dr. Marshall seconded.**

**Motion carried at 9:39 a.m.**

**Texas Board of Respiratory Care  
Disciplinary & Ethics Committee  
TXPHP - Participant Case Review  
February 6, 2020**

<b>Case #</b>	<b>Remain with PHP</b>	<b>RCP Accepted</b>	<b>Continue</b>
1	X		
2	X		
3	X		
4	X		
5	X		

TEXAS BOARD OF RESPIRATORY CARE  
DISCIPLINARY & ETHICS COMMITTEE  
Investigations Review List  
February 6, 2020

<u>FILE#</u>	<u>CLOSE</u>	<u>CONTINUE</u>	<u>ISC</u>
17-5736	X		
17-5988	X		
18-1293	X		
18-5210	X		
18-5945	X		
18-6326	X		
18-7887	X		
18-8470	X		
18-8960	X		
19-2277	X		
19-2781	X		
19-2996	X		
19-3127	X		
19-3696	X		
19-4173	X		
19-4455	X		
19-4538	X		
19-4758	X		
19-6252	X		
19-6258	X		
19-7927	X		
20-1227	X		

**DISCIPLINARY COMMITTEE DECISIONS REGARDING COMPLAINTS REVIEWED**

**ISC PANEL RECOMMENDATIONS** – Texas Respiratory Care Board    February 6, 2020

**ISC Dismissal's**

CASE #    CLOSE    CONT.    TO ISC

19-0756	X		
19-0838	X		
19-1102	X		
19-0790	X		
19-0560	X		
20-0010	X		
19-0758	X		
19-1073	X		
19-1097	X		
19-1094	X		
19-0755	X		
19-0847	X		
19-0281	X		

Total = 13

**COMPLAINTS REVIEWED PURSUANT TO STAFF**

CASE #    CLOSE    CONT.    TO ISC

19-0888	X		
20-0078	X		
19-0518	X		
19-0857	X		

Total = 4

**SOAH Case Dismissals**

CASE #    CLOSE    CONT.    TO ISC

19-0506	X		
19-0593	X		

Total = 2

**TXPHP Dismissals**

CASE #	CLOSE	CONT.	TO ISC
19-0542	X		
19-0763	X		
19-0328	X		

Total = 3