



BOARD MEETING MINUTES

February 1st, 2024

The meeting was called to order Thursday, February 1st, 2024, at 9:07 a.m. by Sam G. Marshall, Ph.D., RCP, Assistant Presiding Officer. Other board members present were Latana T. Jackson, RCP, Presiding Officer; Debra E. Patrick, RCP, Secretary/Treasurer; Samuel L. Brown, Jr. (*logged on at 9:13 am*); Timothy R. Chappell, M.D; Kandace D. Pool; and Hammad N. Qureshi, M.D. Board members not present were Shad J. Pellizzari, RCP and Sonja K. Sanderson. Staff members present were Chris Palazola, Director of Operations; Sarah Tuthill, J.D., Assistant General Counsel; Robert Bredt, M.D., Medical Director; and various other board staff.

Agenda Item #2, Board Member Report. Nothing to report.

Agenda Item #3, Executive Director's Report.

Budget Update Joey Estrada, CFO, gave an update on the budget.

Internal Audit Update Mr. Palazola gave an update on the selection of the Internal Audit Auditor.

Legislative Update Mr. Palazola reported that the agency is currently working on the LAR.

Agenda Item #4, Medical Director's Report. There was nothing to report.

Agenda Item #5, Consideration, and possible action regarding Pending Litigation. Ms. Tuthill gave an update on pending litigation.

Agenda Item #6, Texas Physician Health Program (TXPHP)

A. Discussion, recommendation, and possible action regarding referrals.

After discussion, **Dr. Chappell moved, Dr. Qureshi seconded, and the motion passed to accept the recommendation and return cases TXPHP 18-0181-A RCP and TXPHP 23-0305 RCP back to TXPHP.**

B. Report on Emergent Referrals.

There were none.

C. Program Activity Report. A TXPHP Program Activity Report was provided.

D. Drug Screening Quarterly Report. A Drug Screening Quarterly Report was provided.

Agenda Item #7, Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.

Applicant #2597 – appeared before the Committee on referral by the Executive Director. The applicant presented a brief summary and the members asked questions. Following discussion, **Ms. Jackson moved that the applicant be granted full licensure with no restrictions. Ms. Patrick seconded the motion. All voted in favor and the motion passed.**

Agenda Item 8, Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director. There were none.



Agenda Item #9, Report and discussion regarding the Investigation, Litigation, and Compliance Departments.

- A. Enforcement Activity Report.** Mr. Palazola gave a report on Enforcement Activity.
- B. Warning Letters Report.** There were none.
- C. Criminal Case Review Report.** Mr. Palazola gave a report on Criminal Case Review.
- D. Report Regarding Cases Over One Year.** Mr. Palazola gave a report on Cases Over One Year.
- E. Report Temporary Suspensions.** Mr. Palazola gave a report on Temporary Suspensions.
- F. Report Request Rehearing.** There were none.

There were no items for Agenda Items #10-12.

Agenda Item #13, Cases Recommended for Dismissal.

a. Non-Standard of Care

After discussion, **Ms. Pool moved, Ms. Jackson seconded, and the motion passed to dismiss cases assigned to Ms. Pool.**

Ms. Pool moved, Dr. Qureshi seconded, and the motion passed to dismiss cases assigned to Ms. Sanderson.

b. Standard of Care

After discussion, **Dr. Chappell moved, Ms. Patrick seconded, and the motion passed to dismiss cases assigned to Dr. Chappell.**

There were no items for Agenda Items #14-17.

Agenda Item #18, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, **Ms. Patrick moved, Ms. Pool seconded, and the motion passed to approve the Agreed Orders for Stephen Kurt Hainley, RCP and Emily Garr, RCP.**

Agenda Item #19, Discussion, recommendation, and possible action regarding Remedial Plans. After discussion, **Dr. Qureshi moved, Ms. Pool seconded, and the motion passed to approve the Remedial Plans for Linda Ann Ames, RCP; Tammy Jean Armstrong, RCP; and Ashley Lomeli, RCP.**

Agenda Item #20, Discussion, recommendation, and possible action regarding Mediated Settlement Agreed Order. After discussion, **Dr. Qureshi moved, Mr. Brown seconded, and the motion passed to approve the Mediated Settlement Agreed Order for Donald Frank Petrony, RCP.**

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



Agenda Item # 24, Consideration and approval of Consent Orders. After discussion, **Ms. Patrick moved, Ms. Jackson seconded, and the motion passed to approve the Consent Orders for Erik Glenn Barker, RCP and Matthew Dewayne Lopez, RCP.**

There were no items for Agenda Items #25-28.

Agenda Item #29, Open forum for public comments. No one made public comments.

Agenda Item #30, Consideration and Approval of the September 21, 2023, Respiratory Care Board Meeting Minutes. After consideration, **Dr. Chappel moved, Dr. Qureshi seconded, and the motion passed to approve the September 21, 2023, Respiratory Care Board meeting minutes.**

Agenda Item #31, Adjourn. There being no further items, **Br. Brown moved, Ms. Jackson seconded, and the motion passed to adjourn the meeting at 9:46 a.m.**