



TEXAS BOARD OF RESPIRATORY CARE
BOARD MEETING MINUTES
June 27, 2024

The meeting was called to order Thursday, June 27th, 2024, at 9:13 a.m. by Sam G. Marshall, Ph.D., RCP, Presiding Officer. Other board members present were Debra E. Patrick, RCP, Secretary/Treasurer; Samuel L. Brown, Jr.; Timothy R. Chappell, M.D; Latana T. Jackson, RCP; Kandace D. Pool; Nathan “Nate” Rodrigues, ECP. Board members not present were Hammad N. Qureshi, M.D and Sonja K. Sanderson. Staff members present were Brint Carlton, Executive Director; Chris Palazola, Director of Operations; Scott Freshour, J.D., General Counsel; Robert Breidt, M.D., Medical Director; and various other board staff.

Agenda Item #2, Board Member Report.

Introduce and Welcome new member, Nate Rodrigues, RCP. Mr. Marshall introduced Mr. Nate Rodrigues to the board.

Presentation to Shad Pellizzari, RCP. Mr. Marshall presented a resolution honoring Mr. Pellizzari’s service to the board.

Agenda Item #3, Executive Director’s Report.

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

Internal Audit Update Mr. Carlton gave an update on the Licensure audit scheduled for July.

Legislative Update Mr. Carlton updated the board on the Legislature Appropriations Request.

Rule Update Mr. Carlton gave an update on the rewriting of the rules.

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

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

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

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

After discussion, **Ms. Patrick moved, Ms. Pool seconded, and the motion passed to return case TXPHP 18-0261 RCP to TXPHP.**

After discussion, **Mr. Brown moved, Ms. Jackson seconded, and the motion passed to accept the cases TXPHP 22-0510 RCP and TXPHP 22-1210 RCP.**

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. There were none.

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.** Mr. Palazola provided a report on warning letters issued during Q3.
- 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.** There were none.
- 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

Ms. Pool moved, Ms. Patrick seconded, and the motion passed to dismiss the Non-Standard of Care cases assigned to Ms. Pool.

Mr. Brown moved, Ms. Jackson seconded, and the motion passed to dismiss the Non-Standard of Care case assigned to Mr. Brown.

b. Standard of Care

After discussion, Dr. Chappell moved, Mr. Brown seconded, and the motion passed to dismiss the Standard of Care cases assigned to Dr. Chappell.

Agenda Item #14, Appeals. There were none.

Agenda Item #15, Consideration and approval of Determination of Default.

a. Sagar Mukesh Patel, RCP, SOAH #503-24-13179.RCP

Ms. Emily Walker, Staff Attorney, gave an overview of the case. Mr. Patel was not present, and no one was present on his behalf. After discussion, **Dr. Chappell moved, Ms. Pool seconded and the motion passed to accept the Determination of Default and revoke Mr. Patel's RCP Certification.**

b. Jill Lynn Koonce, RCP, SOAH #503-23-10452.RCP

Ms. Meredith Massey, Staff Attorney, gave an overview of the case. Ms. Koonce was not present, and no one was present on her behalf. After discussion, **Dr. Chappell moved, Ms. Jackson**



seconded, and the motion passed to accept the Determination of Default and revoke Ms. Koonce's RCP Certification.

Agenda Item #14, Appeals. RECALLED

After discussion, Dr. Chappell moved, Ms. Pool seconded, and the motion passed to grant the appeal for case number 24-4560 and send back to investigations.

There were no items for Agenda Items #16-17.

Agenda Item #18, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, Ms. Patrick moved, Mr. Brown seconded, and the motion passed to approve the Agreed Orders for Jenny Carillo, RCP; Paul Marinas, RCP; and Marie C. Tambe-Ashu, RCP.

Agenda Item #19, Discussion, recommendation, and possible action regarding Remedial Plans. After discussion, Mr. Brown moved, Ms. Patrick seconded, and the motion passed to approve the Remedial Plans for Maricela Flores, RCP.

Agenda Item #20, Discussion, recommendation, and possible action regarding Mediated Settlement Agreed Order. After discussion, Ms. Patrick moved, Ms. Jackson seconded, and the motion passed to approve the Mediated Settlement Agreed Order for Julie Herrera, RCP.

There were no items for Agenda Items #21-26.

Agenda #27, Discussion, recommendation, and possible action regarding proposed rules to 22 T.A.C. Chapter 186, Respiratory Care Practitioners. Mr. Freshour gave an overview of the proposed rule revisions. The Board directed staff to present the rule revisions to the Texas Medical Board for approval to publish in the Texas Register for comment.

Agenda #28, Discussion, recommendation, and possible action regarding adoption of rules to 22 T.A.C. Chapter 186, Respiratory Care Practitioners. There were none.

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

Agenda Item #30, Consideration and Approval of the February 1, 2024, Respiratory Care Board Meeting Minutes. After consideration, Dr. Chappell moved, Ms. Pool seconded, and the motion passed to approve the February 1, 2024, Respiratory Care Board meeting minutes.

Agenda Item #31, Nomination and election of officers. Defer to next meeting.



Agenda Item #32, Adjourn. There being no further items, **Ms. Jackson moved, Mr. Brown seconded, and the motion passed to adjourn the meeting at 10:25 a.m.**