



TEXAS BOARD OF RESPIRATORY CARE
BOARD MEETING MINUTES
February 3, 2022

The meeting was called to order Thursday, February 3, 2022 at 9:14 a.m. by Latana T. Jackson, RCP, Presiding Officer. Other board members present were Samuel L. Brown, Jr.; Timothy R. Chappell, M.D; Sam G. Marshall, Ph.D., RCP; Kandace D. Pool; Shad J. Pellizzari, RCP; and Sonia K. Sanderson. Not present was Debra E. Patrick, RCP and Hammad N. Qureshi, M.D. Staff members present were Stephen “Brint” Carlton, J.D., Executive Director; Scott Freshour, J.D., 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 current budget and projections through the end of FY 2022.

COVID-19 Update – Mr. Carlton reported that the board meetings will continue to take place virtually with only the board president attending on site. A majority of staff continues to work from home.

New Building Update – Mr. Carlton reported that the agency will be moving to the George H W Bush building sometime in September.

Agenda Item #4, Medical Director’s Report. Dr. Bredt reported that there is no current need for RCP experts, but suggestions are welcome. Dr. Bredt gave an overview on requirements for experts.

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.

18-0261 – After discussion, **Mr. Marshall moved, Mr. Brown seconded and the motion passed for the participant to remain with TXPHP.**

21-0809 – After discussion, **Dr. Chappell moved, Mr. Marshall seconded and the motion passed for the participant to remain with TXPHP.**

B. Report on Emergent Referrals.

There were no emergent referrals.

C. Other discussion items.

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



Applicant #2483 appeared before the Committee to appeal the Executive Director's determination of ineligibility due to Board Rule 186.4(e) under Procedural Rules and Qualifications for Certificate Applicants.

Because the applicant has not actively practiced since 2009, the Executive Director recommended that they would need to comply with the following:

- **Pass voluntary NBRC CRT exam;**
- **Complete 36 hours CEUs (24 hours live/in person; 12 hours online; 2 of the 36 hours must be in ethics);**
- **Practice for 6 months under Supervised Temporary Permit with submission of work log and evaluation at the end of 6 months;**
- **All requirements need to be completed in 18 months.**

The applicant appealed the determination to the Board and presented a brief summary and the members asked questions. Following discussion, **Dr. Chappell moved to deny the applicant's appeal of the Executive Director's determination and the applicant comply with the original recommendation with the exception of passing the NBRC RRT exam in lieu of NBRC CRT exam.**

Upon submission of documentation confirming successful completion of all requirements, the applicant can be issued a Respiratory Care Practitioner certificate upon approval by the Executive Director. This recommendation is due to the applicant's time out of active practice prior to application. Ms. Sanderson seconded the motion. All voted in favor and the motion passed.

Applicant #2506 appeared before the Board on referral by the Executive Director. The applicant presented a brief summary and the members asked questions. Following discussion, **Mr. Marshall moved that a determination be deferred until such time the applicant provides satisfactory completion of the following requirements that will need to be completed in an eighteen- month period from the date of this meeting:**

- **Passage of the voluntary NBRC RRT exam;**
- **Verification of 24 hours of continuing education (12 hours live/in person; 12 hours online; 2 of the 24 hours must be in ethics).**
- **Board staff is directed to issue a supervised temporary permit that will have an expiration date that will allow the applicant to obtain at least 20 hours a week supervised practice for at least 6 months in an 12 month period subject to the following restrictions: that the applicant work full time, only in setting that provides continuous full-time, on-site supervision by a certified Respiratory Care Practitioner or licensed practitioner, as defined under Chapter 604 Texas Occupations Code; the supervising Respiratory Care Practitioner or practitioner shall submit quarterly reports regarding the applicant's work performance; the supervising Respiratory Care Practitioner or practitioner shall submit, two weeks prior to the temporary permit expiring, a log showing time worked and an evaluation regarding the applicant's work performance.**



Upon submission of documentation confirming successful completion of all requirements, the applicant can be issued a Respiratory Care Practitioner certificate upon approval by the Executive Director. This recommendation is due to the applicant's time out of active practice prior to application. Ms. Pool seconded the motion. All voted in favor and the motion passed.

Applicant #2500 appeared before the Board on referral by the Executive Director. The applicant presented a brief summary and the members asked questions. Following discussion, **Mr. Marshall** moved that a determination be deferred until such time the applicant provides satisfactory completion of the following requirements that will need to be completed in an eighteen- month period from the date of this meeting:

- Passage of the voluntary NBRC CRT exam;
- Verification of 36 hours of continuing education (24 hours live/in person; 12 hours online; 2 of the 36 hours must be in ethics);
- Board staff is directed to issue a supervised temporary permit that will have an expiration date that will allow the applicant to obtain at least 20 hours a week supervised practice for at least 6 months in an 18 month period subject to the following restrictions: that the applicant work full time, only in setting that provides continuous full-time, on-site supervision by a certified Respiratory Care Practitioner or licensed practitioner, as defined under Chapter 604 Texas Occupations Code; the supervising Respiratory Care Practitioner or practitioner shall submit quarterly reports regarding the applicant's work performance; the supervising Respiratory Care Practitioner or practitioner shall submit, two weeks prior to the temporary permit expiring, a log showing time worked and an evaluation regarding the applicant's work performance.

Upon submission of documentation confirming successful completion of all requirements, the applicant can be issued a Respiratory Care Practitioner certificate upon approval by the Executive Director. This recommendation is due to the applicant's time out of active practice prior to application. Mr. Brown seconded the motion.

Mr. Brown withdrew his second and Mr. Marshall withdrew his motion. Mr. Marshall entered an amended motion that a determination be deferred until such time the applicant provides satisfactory completion of the following requirements that will need to be completed in an eighteen- month period from the date of this meeting:

- Passage of the voluntary NBRC CRT or RRT exam;
- Verification of 36 hours of continuing education (24 hours live/in person; 12 hours online; 2 of the 36 hours must be in ethics);
- Board staff is directed to issue a supervised temporary permit that will have an expiration date that will allow the applicant to obtain at least 20 hours a week supervised practice for at least 6 months in an 18 month period subject to the following



restrictions: that the applicant work full time, only in setting that provides continuous full-time, on-site supervision by a certified Respiratory Care Practitioner or licensed practitioner, as defined under Chapter 604 Texas Occupations Code; the supervising Respiratory Care Practitioner or practitioner shall submit quarterly reports regarding the applicant's work performance; the supervising Respiratory Care Practitioner or practitioner shall submit, two weeks prior to the temporary permit expiring, a log showing time worked and an evaluation regarding the applicant's work performance.

Upon submission of documentation confirming successful completion of all requirements, the applicant can be issued a Respiratory Care Practitioner certificate upon approval by the Executive Director. This recommendation is due to the applicant's time out of active practice prior to application. Mr. Brown 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 #10, Consideration and approval of Determination of Default.
Felex Castro Untalan, RCP, SOAH #503-21-3455**

Amy Swanholm, Litigation Manager, gave a brief overview of the case. After discussion, Dr. Chappell moved, Ms. Pool seconded and the motion passed to accept the Determination of Default and revoke the certification for Felex Castro Untalan, RCP.

There were no items for Agenda Items #11-12.

Agenda Item #13, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, Mr. Brown moved, Mr. Pellizzari seconded and the motion passed to approve the Agreed Orders for Luis Alfredo Barrera, RCP; Clint Alworth Hudson, RCP; and Emily Garr, RCP.

There were no items for Agenda Items #14-20.

Agenda Item #21, Report on Automatic Orders/Actions. A report on Automatic Orders/Actions was provided.

There were no items for Agenda Items #22-23.

Agenda Item #24, Open forum for public comments. No one signed in to make public comments.

Agenda Item #9, Review, discussion, and possible action regarding selected files and cases.

- A. Report on Warning Letters.** There was a report on Criminal Cases reviewed.
- B. Follow-up Files.** There were none.



C. Files for Review (assigned to D&E committee members). After discussion, Ms. Pool moved, Ms. Marshall seconded, and the motion passed to approve the files for review as indicated on the sign off sheets.

D. Appeals. There were none.

Agenda Item #25, Consideration and Approval of the September 23, 2021 Respiratory Care Board Meeting Minutes. After consideration, Mr. Marshall moved, Mr. Pellizzari seconded, and the motion passed to approve the September 23, 2021, Respiratory Care Board meeting minutes.

Agenda Item #26, Adjourn. There being no further items, Ms. Sanderson moved, Mr. Marshall seconded, and the motion passed to adjourn the meeting at 11:09 a.m.