



TEXAS BOARD OF MEDICAL RADIOLOGIC TECHNOLOGY
BOARD MEETING MINUTES
February 2, 2024

The meeting was called to order at 9:01 a.m. by Faraz A. Khan, M.D., Presiding Officer. Board members present were Nicholas M. Beckmann, M.D. (*logged in at 9:08 am*); Jennifer Brandt, MRT; Regan R. Landreth; Melanie “Shannon” Lutz, MRT; Scott A. Morren, MRT; Shaila D. Parker; Lucy Sisniega; and Carol Waddell, MRT. Staff members present were Amy Swanholm, J.D., Director of Litigation; Scott Freshour, J.D., General Counsel; and Assistant General Counsels, Yvette Yarbrough, J.D.; Sarah Tuthill, J.D.; and Kemisha Nordstrom, J.D.; and various board staff.

Agenda item #2, Board Member Report. There was nothing to report.

Agenda item #3, Executive Director Report.

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

Internal Audit Update. Scott Freshour reported that the agency has retained an Internal Auditor.

Legislative Update. Nothing to report.

Agenda item #4, Medical Director Report. There was nothing to report.

Agenda item #5, Consideration and possible action regarding pending litigation. Mr. Freshour gave an update on pending litigation. No action was taken.

Agenda item #6, Texas Physician Health Program (TXPHP):

A. Discussion, recommendation, and possible action regarding referrals. There were none.

B. Report on Emergent Referrals. There was 1 emergent referral.

C. Program Activity Report. A Program Activity report was presented.

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

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

Applicant #2586 - appeared on referral by the Executive Director due to the applicant’s criminal history. The applicant presented a brief summary, and the Board members asked questions. Following discussion, **Ms. Waddell moved to grant full NCT licensure. Dr. Backmann seconded, and the motion passed.**

Applicant #2580 – appeared to appeal the Executive Director’s determination. The applicant presented a brief summary, and the Board members asked questions. Following discussion, **Ms.**

Parker moved to grant the appeal, and Ms. Sisniega seconded. Ms. Parker withdrew her motion, and Ms. Sisniega withdrew her second. Ms. Parker moved to grant the appeal in part for the falsification and deny the appeal in part for the active practice and require the applicant to complete a board certified NCT program within 1 year. Upon completion of the program, the applicant may be issued an NCT. Ms. Brandt seconded, and the motion passed.

Applicant #2598 – appeared to appeal of the Executive Director’s determination. The applicant presented a brief summary, and the Board members asked questions. After discussion, **Dr. Beckmann moved to grant the appeal and issue full licensure with an Agreed Order requiring the applicant to complete 6 months supervision, two quarterly reports, and 24 hours CE. Mr. Morren seconded, and the motion passed.**

Applicant #2576 – appeared to appeal the Executive Director’s determination due to active practice. The applicant presented a brief summary, and the Board members asked questions. After discussion, **Dr. Beckmann moved to grant the appeal and issue full licensure with an Agreed Order requiring the applicant to undergo 3 months of supervision. Ms. Parker seconded. Dr. Beckmann withdrew his motion, and Ms. Parker withdrew her second. Dr. Beckmann moved to grant the appeal and issue a 3-month supervised temporary license with a duration to complete all paperwork and requirements within 6 months. Ms. Wadell seconded, and the motion passed.**

Applicant #2591 – appeared to appeal the Executive Director’s determination. The applicant presented a brief summary, and the Board members asked questions. After discussion, **Dr. Beckmann moved to grant the appeal and issue a 3-month supervised temporary license with 6 months to comply. Upon successful completion of the supervision, a license may be issued. Ms. Lutz seconded, and the motion passed. (Ms. Waddell recused)**

Agenda item #8, Discussion, recommendation and possible action regarding proposed orders offered by the Executive Director. Ms. Grace Unterborn reported on two Remedial Plans offered by the Executive Director and accepted by the applicants. After discussion, **Dr. Beckmann moved that the Remedial Plans be approved. Mr. Morren seconded the motion. All voted in favor and the motion passed.**

There was a break from 11:18 am to 11:30 am.

Agenda item #9, Discussion, recommendation, and possible action regarding approval, rescinding or denial of program or instructor. There were none.

Agenda item #10, Report on Program Approvals/Renewals.
There were none.

Agenda item #11, Reports and discussion regarding the Investigation, Litigation and Compliance Departments.

- A. Enforcement Activity Report.** Ms. Swanholm presented the Enforcement Activity Report.
- B. Warning Letters Report** There were none.
- C. Criminal Case Review Report** Ms. Swanholm presented the Enforcement Activity Report.
- D. Reports Regarding Cases Over One Year Old** Ms. Swanholm presented the Reports Regarding Cases Over One Year Old.
- E. Report on Temporary Suspensions** Ms. Swanholm presented the Report on Temporary Suspensions.
- F. Report on Rehearing Requests** There were none.

Agenda item #12, Consideration and Approval of Membership of the Expert Physician Panel. There were none.

Agenda item #13, Discussion and possible action regarding review of Probationers' Appearances. There were none.

Agenda item #14, Follow up files. There were none.

Agenda item #15 Cases for Dismissal.

After consideration, **Ms. Landreth moved, Mr. Morren seconded, and the motion passed to dismiss the Non-Standard of Care cases assigned to Ms. Landreth.**

After consideration, **Dr. Beckmann moved, Ms. Waddell seconded, and the motion passed to dismiss the Standard of Care cases assigned to Dr. Beckmann.**

After consideration, **Dr. Khan moved, Ms. Landreth seconded, and the motion passed to dismiss the Standard of Care cases assigned to Dr. Khan.**

After consideration, **Mr. Morren moved, Ms. Waddell seconded, and the motion passed to dismiss the Standard of Care cases assigned to Mr. Morren.**

Agenda item #16, Appeals.

After discussion, **Dr. Beckmann moved, Ms. Landreth seconded, and the motion passed to deny the appeals for cases 23-7341 and 23-7418.**

Ms. Waddell left the meeting at 11:41 am.

Agenda item#17, Consideration and approval of Determination or Default.

a. Jorge Barrientos, NCR – SOAH 503-23-25743.NCR

Mr. Elliot O'Day, Staff Attorney, gave a brief summary of the case. Mr. Barrientos did not appear, and no one appeared on his behalf. After consideration, **Dr. Beckmann moved, Ms. Parker seconded, and the motion passed to adopt the Determination of Default.**

b. Benjamin Eric Harwell, MRT – SOAH 503-23-25741.MRT

Mr. Elliot O'Day, Staff Attorney gave a brief summary of the case. Mr. Harwell did not appear, and no one appeared on his behalf. After consideration, **Mr. Morren moved, Ms. Sisniega seconded, and the motion passed to adopt the Determination of Default.**

Agenda item #15 Cases for Dismissal.

After consideration, **Ms. Lutz moved, Ms. Parker seconded, and the motion passed to dismiss the Standard of Care cases assigned to Ms. Lutz.**

Agenda item #18, Consideration and approval of Proposal for Decision. There were none.

Agenda item #19, Consideration and approval of Modification Request/Termination Request Orders. There were none.

Agenda item #20, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, **Mr. Morren moved, Ms. Landreth seconded, and the motion passed to accept the Agreed Orders for Sharifa Pruitt, MRT; Jonathan Sanchez, MRT; and Alexandra Beste, MRT.**

Agenda item #21, Discussion, recommendation, and possible action regarding Remedial Plans. After discussion, **Ms. Landreth moved, Mr. Morren seconded, and the motion passed to accept the Remedial Plan for Christy Mulder, MRT.**

There were no Agenda Items for #22-25.

Agenda item #26, Consideration and approval of Consent Orders. After consideration, **Dr. Beckmann moved, Mr. Morren seconded, and the motion passed to approve the Consent Order for Tamone C. Green, MRT and Steve R. Hernandez, MRT.**

Agenda item #27, Report on Cease and Desist Orders approved by Executive Director. A report on Cease and Desist Orders approved by Executive Director was provided.

Agenda item #28, Report on Automatic Orders/Actions. A report on Automatic Orders/Actions was provided.

There were no Agenda Items for #29-30.

Agenda item #31, Open forum for public comments. No one was present to make public comments.

Agenda item #32, Consideration and approval of the September 22, 2023, Board Meeting minutes and action items. After consideration, **Dr. Beckman moved, Ms. Landreth seconded, and the motion passed to approve the September 22, 2023, Board Meeting minutes and action items.**

Agenda item #33, Adjourn. There being no further agenda items, **Ms. Parker moved, Dr. Beckmann seconded, and the motion passed to adjourn the meeting at 11:54 A.M.**