



TEXAS BOARD OF RESPIRATORY CARE  
BOARD MEETING MINUTES

September 24, 2020  
Video Conference

The meeting was called to order September 24, 2020 at 9:20 a.m. by Latana T. Jackson, RCP. Other board members present were Samuel L. Brown, Jr.; Timothy R. Chappell, M.D; Sam G. Marshall, Ph.D., RCP; Debra E. Patrick, RCP; Kandace D. Pool; Shad J. Pellizzari, RCP; and Hammad N. Qureshi, M.D. Sonia K. Sanderson did not attend. Staff members present were Stephen “Brint” Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Robert Brecht, M.D., Medical Director; and various other board staff. *Kandace D. Pool successfully joined the meeting at 9:33 a.m.*

**Agenda Item #2, Board Member Report.**

**Welcome and Introduce New Members.** Samuel L. Brown, Jr. and Hammad N. Qureshi, M.D., briefly introduced themselves to the Board and staff. No action was taken on this agenda item.

**Update – Election of Officers.** Latana T. Jackson, RCP is the official presiding officer of the RCP Board. No action was taken on this agenda item.

**Agenda Item #3, Executive Director’s Report.**

**Budget Update** – Mr. Carlton gave a report on the agency’s budget. No action was taken on this agenda item.

**Internal Audit Update** – Mr. Carlton gave a report on the agency’s internal audit. No action was taken on this agenda item.

**COVID-19 Update** – Mr. Carlton gave a report on the agency’s COVID-19 response. Most of our staff is currently working from home. No action was taken on this agenda item.

**Agenda Item #4, Medical Director’s Report.** Dr. Brecht reported that the board currently has no need for additional experts practicing in the respiratory care field. No action was taken on this agenda item.

**Agenda Item #5, Consideration and possible action regarding Pending Litigation.** Mr. Freshour gave an update on pending litigation. No action was taken on this agenda item.

**Agenda Item #6, Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.**

Grace Unterborn, Licensure Manager, gave a report concerning Applicant #2421. The applicant presented a brief statement and members asked questions. After discussion, **Ms. Jackson moved, Dr. Chappell seconded, and the motion passed 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:

- The applicant must provide a certified transcript reflecting conferment of a degree in Respiratory Care from the University of Texas Health Science Center at San Antonio.
- Upon verification of the certified transcript, 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.
- Passage of the voluntary National Board for Respiratory Care Registered Respiratory Therapist certification examination.

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. Pellizzari opposed.**

Ms. Unterborn gave a report concerning Applicant #2425. The applicant presented a brief statement and members asked questions. After discussion, **Dr. Chappell moved, Dr. Qureshi seconded, and the motion passed 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 National Board for Respiratory Care Registered Respiratory Therapist certification examination.
- Completion of 36 hours of continuing education with 24 hours being completed in person and the remaining 12 hours completed online.
- 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.**

*Meeting recessed at 10:38 a.m. and reconvened at 10:46 a.m.*

Ms. Unterborn gave a report concerning Applicant #2419. The applicant presented a brief statement and members asked questions. After discussion, **Ms. Patrick moved, Ms. Pool seconded, and the motion passed to 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 National Board for Respiratory Care Certified Respiratory Therapist certification examination.**
- **Completion of 36 hours of continuing education with 24 hours being completed in person and the remaining 12 hours completed online.**
- **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. Marshall and Mr. Pellizzari opposed.**

The Board gave **direction to staff to research whether the statutory respiratory care scope of practice includes oxygen therapies performed in a sleep medicine setting.** This direction includes research on whether these therapies are acceptable as the active practice of respiratory care as described by statute.



Ms. Unterborn gave a report concerning Applicant #2415. The applicant presented a brief statement and members asked questions. After discussion, **Ms. Patrick moved, Mr. Pellizzari seconded, and the motion passed 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 National Board for Respiratory Care Certified Respiratory Therapist certification examination.**
- **Completion of 36 hours of continuing education with 24 hours being completed in person and the remaining 12 hours completed online.**
- **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.**

The Board gave **direction to staff regarding the Out of Practice Matrix.** Ms. Unterborn explained the matrix for up to 3 years and 3 to 5 years. For column 3 to 5 years, clarification that "Pass voluntary NBRC CRT/RRT exam" means if exam not completed within last 5 years of application. CEUs should include 12 hrs live/in person and 12 hrs online with at least 2 hours of ethics as outlined in Board Rule 186.10 (a). Ms. Patrick asked staff to add the same language to the other columns: 5 to 10, 10 to 20 and 20+, and to also add Ethics.

**Agenda Item #7 Discussion, recommendation and possible action regarding Withdraw and Reapply (WAR) offered by the Licensure Manager.** Ms. Yvette Yarbrough, Assistant General Counsel, explained how this process will be efficient and benefit the applicant. After discussion, **Dr. Chappell moved, Ms. Patrick seconded, and the motion passed to approve the delegation to the Licensure Manager to offer a WAR to certain applicants.**

**Agenda Item #8 Discussion, recommendation and possible action regarding proposed orders offered by the Executive Director.** Ms. Unterborn reported on one Agreed Order offered by the Executive Director and accepted by the applicant. After discussion, **Dr.**



Chappell moved, Ms. Patrick seconded, and the motion passed to approve the proposed Agreed Order offered by the Executive Director.

**Agenda Item #9, Texas Physician Health Program (TXPHP)**

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

Mr. Bernardo gave a summary of Case No. 1, 18-0183. After discussion, **Dr. Chappell moved, Mr. Pellizzari seconded, and the motion passed to accept the referral back to the RCP board for Case No. 1.**

Mr. Bernardo gave a summary of Case No. 2, 18-0488. After discussion, **Dr. Quereshi moved, Ms. Patrick seconded, and the motion passed to accept the referral back to the RCP board for Case No. 2 .**

**B. Other discussion items.** No other items were discussed. No action was taken on this agenda item.

**Agenda Item #10, Review, discussion, and possible action regarding selected files and cases.** After discussion, **Dr. Chappell moved, Pellizzari seconded, and the motion passed to dismiss Investigations Dismissals and Legal Case Dismissals for ISC, Attorney and TXPHP files and cases as recommended.**

**Agenda Item #11, 12:07 p.m., Consideration and approval of Determination of Default.**

• **Alisa Jones, RCP, SOAH #503-20-3109**

Ms. Susan Rodriguez, Staff Attorney Supervisor, gave a brief presentation on case. Ms. Jones did not appear, and no one appeared on her behalf. After discussion, **Dr. Chappell moved, Ms. Patrick seconded, and the motion passed to approve and enter an order of default and revoke the certification for Alisa Jones, RCP.**

There were no items for Agenda Items #12-15.

**Agenda Item #16, Discussion, recommendation and possible action regarding Remedial Plans.** After discussion, **Mr. Pellizzari moved, Ms. Patrick seconded, and the motion passed to enter Remedial Plan for Adil Babn, RCP.**

There were no items for Agenda Items #17-18.

**Agenda Item #19, Consideration and approval of Agreed Resolutions.** After consideration, **Dr. Chappell moved, Ms. Pool seconded, and the motion passed to enter Agreed Resolutions for Shaka M. Ford, RCP and Danna Paige Johnson, RCP.**



**Agenda Item #20, Consideration and approval of Consent Orders.** After consideration, Ms. Patrick moved, Dr. Qureshi seconded, and the motion passed to approve the Consent Order for Shawn C. Thomas, Jr., RCP.

There were no items for Agenda Items #21-27.

**Agenda Item #28, Open forum for public comments.** No one signed in for public comments.

**Agenda Item #29, Consideration and approval of the June 25, 2020 Respiratory Care Board Meeting Minutes.** After consideration, Dr. Chappell moved, Ms. Patrick seconded, and the motion passed to approve the June 25, 2020 Respiratory Care Board Meeting minutes.

**Agenda Item #30, Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.** There were no committee meetings. No action was taken on this agenda item.

**Agenda Item #31, Adjourn.** There being no further items, Dr. Chappell moved, Mr. Marshall seconded, and the motion passed to adjourn the meeting at 12:29 p.m.