



BOARD OF RESPIRATORY CARE
BOARD MEETING MINUTES
NOVEMBER 9, 2017

The meeting was called to order November 9, 2017 at 12:53 p.m. by Joe Ann Clack, Presiding Officer. Board members Latana T. Jackson-Woods, RCP, Assistant Presiding Officer; Timothy R. Chappell, M.D.; Sam G. Marshall, Ph.D., RCP; Debra E. Patrick, RCP, Secretary/Treasurer; James M. Stocks, M.D.; and Sonia K. Sanderson were present. Kandace D. Pool and Shad J. Pellizzari, RCP were absent. Board staff Scott Freshour, J.D., Interim Executive Director; Megan Goode, Governmental Affairs and Public Information Manager; Monique Johnston, Licensure Manager; Assistant General Counsels Yvette Yarbrough, J.D., Sarah Tuthill, J.D., Rob Blech, J.D. and Wendy Pajak, J.D.; and various other staff were present.

There were no items for Agenda item #2.

Agenda item #3, Executive Director Report.

Budget Update. Ms. Goode presented and reviewed the budget.

Legislative Update. Ms. Goode presented a legislative update to the Board.

Audit Update. Ms. Goode reported on the most recent audit, which was adopted by the Medical Board.

There were no items for Agenda item #4.

Agenda item #5, Consideration and possible action regarding pending litigation. Mr. Freshour gave an overview of pending litigation of interest.

Agenda item #6, Discussion, recommendation, and possible action regarding guidelines to process licensees with a criminal history. Mr. Freshour presented the guidelines to process licensees with a criminal history. Ms. Tuthill provided further detailed information on these guidelines. Board directed staff to implement changes as presented. After discussion, **Dr. Stocks moved, Dr. Chappell seconded and the motion passed to approve recommendations as written, with a change from 20 years to 10 years or older**

for misdemeanors. Also, gave direction to apply criteria to the cases that are currently scheduled for ISCs.

Agenda item #7, at 11:15 a.m. Consideration and approval of Determination of Default:

a) Kimberly W. Mason RCP, SOAH, #503-17-5493, RCP. Susan Rodriguez, J.D., staff attorney, gave a procedural background and a brief presentation. Kimberly W. Mason, RCP was not present and no one appeared representing Ms. Mason. After discussion, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to approve the Determination of Default Order for revocation of the certificate of Kimberly W. Mason, RCP.**

There were no items for Agenda items #8 and 9.

Agenda item #10, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, **Dr. Stocks moved, Dr. Chappell seconded, and the motion passed to approve the Agreed Orders for Efrain Lopez, Jr., RCP; Ismael Saiz Jr., RCP; Mario E. Sarmiento, RCP and Daniel G. Soria, RCP.**

Agenda item #11, Discussion, recommendation, and possible action regarding Mediated Settlement Agreed Orders. After discussion, **Dr. Stocks moved, Ms. Patrick seconded, and the motion passed to approve the Mediated Settlement Agreed Order for Latracia Fuller, RCP.**

There were no items for Agenda item #12.

Agenda item #13, Discussion, recommendation, and possible action regarding Remedial Plans. After discussion, **Dr. Stocks moved, Dr. Chappell seconded, and the motion passed to approve the Remedial Plan for Gregory L. Jenkins, RCP.**

There were no items for Agenda item #14.

Agenda item #15, Discussion, recommendation, and possible action regarding proposed rules to 22 T.A.C. Chapter 186. Respiratory Care Practitioners.

- §186.2 Definitions
- §186.4 Procedural Rules and Qualifications for Certificate Applicants
- §186.6 Biennial Renewal of Certificate
- §186.7 Temporary Permit
- §186.8 Inactive Certificate
- §186.10 Continuing Education Requirements
- §186.13 Identification Requirements
- §186.17 Grounds for Denial of Certification and for Disciplinary Action
- §186.28 Retired Certificate

Ms. Yarbrough reviewed proposed amendments to the listed rules. After discussion, **Dr. Stocks moved, Ms. Sanderson seconded, and the motion passed to approve publication in the Texas Register as written for public comment of §186.2 Definitions, §186.4 Procedural Rules and Qualifications for Certificate Applicants, §186.6 Biennial Renewal of Certificate, §186.7 Temporary Permit, §186.8 Inactive Certificate, §186.13 Identification Requirements, §186.17 Grounds for Denial of Certification and for Disciplinary Action, and §186.28 Retired Certificate.**

After further discussion, **Dr. Stocks moved, Dr. Chappell seconded, and the motion passed to approve publication in the Texas Register for public comment §186.10 Continuing Education Requirements, as written with one change. The change is to add into subsection (b)(2)(I) continuing education credit for re-credentialing, in addition to the initial courses, for the listed topics.**

Agenda item #16, Open Forum for Public Comments. Matt Owen signed in to present public comments.

Agenda item #17, Consideration and Approval of the July 28, 2017 Board minutes. After consideration, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to approve the July 28, 2017 board minutes and action items.**

The board recessed at 2:20 p.m.

The board reconvened at 2:50 p.m.

Agenda item #18, Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.

Dr. Stocks gave a report of the Discipline and Ethics Committee. **Dr. Chappell moved, Dr. Marshall seconded, and the motion passed to approve the Discipline and Ethics Committee minutes and action items.**

a. Approval of amendments to July 28, 2017 Practice Authorization Committee Minutes. **Dr. Stocks moved, Dr. Chappell seconded, and the motion passed to approve the amended Practice Authorization Committee minutes.**

Ms. Jackson-Woods gave a report of the Practice Authorization Committee Minutes. **Dr. Stocks moved, Dr. Chappell seconded, and the motion passed to approve the Practice Authorization Committee minutes and action items.**

Agenda item #19, Adjourn. There being no further agenda items, the meeting adjourned at 2:52 p.m.