



TEXAS BOARD OF RESPIRATORY CARE  
BOARD MEETING MINUTES  
FEBRUARY 14, 2019

The meeting was called to order February 14, 2019 at 10:00 a.m. by Latana Jackson, RCP. Other board members present were Timothy R. Chappell, M.D.; Debra E. Patrick, RCP, Shad J. Pellizzari, RCP; Kandace D. Pool; and James M. Stocks, M.D. Board members Joe Ann Clack, Presiding Officer, Sam G. Marshall, Ph.D., and Sonia K. Sanderson were not present. Brint Carlton, J.D., Executive Director; Scott Freshour, J.D., General Counsel; Megan Goode, Governmental Affairs and Public Information Manager; Monique Johnston, Licensure Manager; Brandy Corrales, Finance Manager; Yvette Yarbrough, J.D. and Wendy Pajak, J.D., Assistant General Counsels; and various other staff were present.

**Agenda item #2, Board Member Report.** Item deferred to later in the meeting.

**Agenda item #3, Executive Director Report.**

**Budget Update.** Ms. Corrales reported the budget continues to be in good standing with the projected revenue and expenditures for the year.

**Legislative Update.** Mr. Carlton reported the Sunset Commission recommendations were approved and a bill was recently filed that incorporated the Sunset Commission recommendations. Mr. Carlton reported an additional Exceptional Item was added to the agency's Legislative Appropriation Request to include funding for two additional Physician Health Program staff.

Ms. Goode summarized information related to the final Sunset recommendations that included 13 returning issues and five new issues. She reported one issue pertaining to the RCP Board is a statutory clean-up related to governance for rule-making and required board member training.

Ms. Goode reviewed some upcoming dates of interest for Legislative Committees and Hearings. Ms. Goode reported legislative bills that impact the agency and boards are being monitored by staff. Ms. Goode presented an update on an interim committee report on opioid and substance abuse that continues to be a focus of the Legislature. Currently, the requirement to check the prescription monitoring program before prescribing certain drugs, such as, opioids, benzodiazepines, barbiturates or carisoprodol, will be effective September 1, 2019.

**Agenda item #4, Medical Director Report.** Dr. Bredt reported there are a sufficient number of respiratory care experts approved to provide expert panelist reports.

**Agenda item #5, Consideration and possible action regarding pending litigation.** Mr. Freshour gave a report on pending litigation.

**Agenda item #6, Discussion, recommendation, and possible action regarding a pre-ISC process.** Mr. Carlton discussed a pre-ISC process used by the Medical and Physician Assistant Boards for respondents under an order who have added minor infractions. After discussion, **Dr. Chappell moved, Mr. Pellizzari seconded, and the motion passed to approve staff using the pre-ISC waiver process for RCPs.**

Mr. Carlton reviewed the Quality Assurance process used by the Medical Board to resolve investigations for improved efficiencies. The process involves a board panel who reviews minor cases with staff to refer a case to the board for dismissal, a consent order, or schedule for an Informal Settlement Conference (ISC). If the respondent does not agree to an order or remedial plan, the case would go to an ISC. After discussion, **Mr. Pellizzari moved, Dr. Stocks seconded, and the motion passed to approve the pre-ISC process.**

**Agenda item #7, Consideration and approval of Determination of Default. • Guy Ingram, SOAH #503-18-5397.RCP.** Chris Palazola, Litigation Manager, gave a brief summary of the process and background. Guy Ingram, RCP, did not appear. No one appeared on his behalf. After discussion, **Dr. Chappell moved, Dr. Stocks seconded, and the motion passed to approve the Determination of Default for Guy Ingram, RCP, for revocation.**

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

**Agenda item #10, Discussion, recommendation, and possible action regarding Agreed Orders.** After discussion, **Dr. Stocks moved, Ms. Pool seconded, and the motion passed to approve the Agreed Orders en masse for Ignacio Acosta, RCP; Thomas W. Billeck, RCP; Stephen F. Colton, RCP; Felix C. Untalan, RCP; Terricka S. McDade, RCP; and Scott D. Walsh, RCP.**

There were no items for Agenda items #11-17.

**Agenda item #18, Report on Temporary Suspension.** A report was presented on the Temporary Suspension hearing for Carlos Garcia, RCP.

There were no items for Agenda item #19.

**Agenda item #20, Discussion, recommendation, and possible action regarding proposed rules for adoption to 22 T.A.C. Chapter 186. Respiratory Care Practitioners.**

- a. §186.4 Procedural Rules and Qualifications for Certificate Applicants
- b. §186.10 Continuing Education Requirements
- c. §186.28 Retired Certificate

Ms. Yarbrough presented an overview of the proposed rules for adoption. No written comments were received. No one signed in to present oral comments. After discussion, **Dr. Chappell moved, Mr. Pellizzari seconded, and the motion passed to adopt the proposed amendments to 22 T.A.C. Chapter 186 Respiratory Care Practitioners: §186.4 Procedural Rules and Qualifications for Certificate Applicants; §186.10 Continuing Education Requirements; and §186.28 Retired Certificate; and forward to the Texas Medical Board to approve for publication in the Texas Register for adoption.**

**Agenda item #20, Open forum for public comments.** Richard Hernandez, President, Texas Society of Respiratory Care, presented oral comments. After receiving comments, the board directed staff to gather information if it is an unusual circumstance for an applicant to whom a supervised temporary permit has been recommended to remedy active practice issues to have difficulty being hired without having actually received the temporary permit.

**Agenda item #21, Consideration and Approval of the September 27, 2018 Respiratory Care Board Meeting Minutes.** After consideration, **Dr. Stocks moved, Ms. Patrick seconded, and the motion passed to approve the September 27, 2018 Respiratory Care Board Meeting Minutes and action items.**

**Agenda item #22, Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.**

After consideration, **Ms. Pool moved, Mr. Pellizzari seconded and the motion passed to approve the Discipline and Ethics Committee minutes and action items.**

After consideration, **Dr. Chappell moved, and Mr. Pellizzari seconded and the motion passed to approve the Practice Authorization Committee minutes and action items.**

**Agenda item #2, Board Member report.** The board discussed the rule adoption process and the process for notifying licensees of rule changes.

**Agenda item #23, Adjourn.** There being no further agenda items, **Dr. Chappell moved, Dr. Stocks seconded and the motion passed to adjourn the meeting at 11:05 a.m.**