



TEXAS BOARD OF RESPIRATORY CARE
BOARD MEETING MINUTES

February 4, 2021
Video Conference

The meeting was called to order February 4, 2021 at 9:17 a.m. by Debra E. Patrick, RCP. 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; Hammad N. Qureshi, M.D. and Sonia K. Sanderson. Latana T. Jackson, RCP did not attend. 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 – Mr. Carlton gave an update on the budget.

Internal Audit Update – Mr. Carlton reported that we are still waiting on the final report.

COVID-19 Update – The cast majority of staff continues to work from home. TMB has requested additional laptops and federal funding to pay for the laptops.

Personnel Update (organization, Dr. Mehendale) – Mr. Carlton reported that Enforcement Support and Litigation have been combined into one department with Susan Rodriguez as manager. Chris Palazola is now Director of Operations.

New Ethics Content Requirement –

Agenda Item #4, Medical Director’s 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 on this agenda item.

There were no items for Agenda Items #6-7.

Agenda Item #8, Texas Physician Health Program (TXPHP)

a. Discussion, recommendation, and possible action regarding referrals.

Dr. McQueen gave a summary of Case No. 1, 18-0261. After discussion, **Dr. Chappell moved, Ms. Sanderson seconded, and the motion passed to accept the TXPHP Board Recommendation for Case No. 1 to remain with TXPHP.**

Dr. McQueen gave a summary of Case No. 2, 18-0395. After discussion, **Dr. Chappell moved, Mr. Marshall seconded, and the motion passed to accept the TXPHP Board Recommendation for Case No. 2 to remain with TXPHP.**

Break 9:53 – 10:02 AM



Dr. McQueen gave a summary of Case No. 3, 19-0333. After discussion, **Dr. Qureshi moved, Mr. Pellizzari seconded, and the motion passed to accept the TXPHP Board Recommendation for Case No. 3 to remain with TXPHP.**

Dr. McQueen gave a summary of Case No. 4, 19-0358. After discussion, **Dr. Chappell moved, Ms. Patrick seconded, and the motion passed to accept the TXPHP Board Recommendation d for Case No. 4 to remain with TXPHP.**

Dr. McQueen gave a summary of two emergent cases (18-0484 and 19-0284). No action taken.

- B. Other discussion items.** Mr. Carlton reported that Dr. Mehendale passed away on December 19, 2020 due to Covid-19 and made a statement in honor of his memory and contributions to the State of Texas. Mr. Carlton reported that Dr. Brian McDaniel was appointed Presiding Officer of TXPHP Board.
Mr. Bernardo presented the TXPHP report.

Agenda Item #10, 10:21 a.m., Consideration and approval of Determination of Default.

- **Wamui Mwiya, RCP, SOAH #503-20-3078.RCP**

Mr Christopher Palazola, Director of Operations, gave a brief presentation on case. Mr. Mwiya did not appear, and no one appeared on his behalf. After discussion, **Chappell moved, Patrick seconded, and the motion passed to approve and enter an order of default and revoke the certification for Wamui Mwiya, RCP.**

Agenda Item #9, Review, discussion, and possible action regarding selected files and cases. After discussion, **Ms. Patrick moved, Mr. Pellizzari seconded, and the motion passed to approve the dismissals from the Investigation Department as presented.**

Litigation Department

- A. ISC Dismissals – After Discussion, Dr. Qureshi moved, Mr. Pellizzari seconded, and the motion passed to approve the ISC dismissals as presented.**
- B. Attorney Dismissals – After Discussion, Dr. Marshall moved, -Mr. Pellizzari seconded and the motion passed to approve the Attorney Dismissals as presented.**

There were no items for Agenda Item #11.

Agenda Item #12, Discussion, recommendation, and possible action regarding Modification/Termination Requests. After discussion, **Dr. Qureshi moved, Mr. Brown seconded and the motion passed to approve the Modification/Termination Requests for Esteban Alcazar, RCP and Felix Castro, RCP.**

Agenda Item #13, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, **Dr. Marshall moved, Ms. Patrick seconded and the**



motion passed to approve the Agreed Orders for Karl B. Boncales, RCP; Latongia Dunice Marberry, RCP; Yasheka McCoy RCP; Eric V. Rodriguez, RCP; Jason Ian Scott, RCP; Kevin Steward, RCP; and John V Villaraza, RCP.

Agenda Item #14, Discussion, recommendation and possible action regarding Remedial Plans. After discussion, **Mr. Brown moved, Ms. Patrick seconded and the motion passed to approve the Remedial Plan for Annette Marie Thomas, RCP.**

There were no items for Agenda Items #15-24.

Agenda Item #25, Discussion, recommendation, and possible action relating to whether work in the field of sleep technology qualifies as active practice for an RCP certificate applicant. Ms. Tuthill gave a review. Staff recommends the board looks at these on a case by case basis. No action taken.

Agenda Item #26, Physician delegation to respiratory care practitioners providing authority to administer COVID-19 vaccinations. Ms. Tuthill gave a review. No action was taken.

There were no items for Agenda Item #27-28.

Agenda Item #29, Open forum for public comments. No one signed in for public comments.

Agenda Item #30, Nomination and election of board officers. Ms. Pool nominated Dr. Chappell as Presiding Officer, Dr. Chappell declined. Ms. Patrick nominated Dr. Marshall as Assistant Presiding Officer, Dr. Marshall accepted the nomination.

Agenda Item #31, Consideration and approval of the September 24, 2020 Respiratory Care Board Meeting Minutes. After consideration, **Ms. Patrick moved, Ms. Pool seconded, and the motion passed to approve the September 24, 2020 Respiratory Care Board Meeting Minutes.**

Agenda Item #32, Adjourn. There being no further items, **Chappell moved, Mr. Marshall seconded, and the motion passed to adjourn the meeting at 10:54 a.m.**