



TEXAS BOARD OF MEDICAL RADIOLOGIC TECHNOLOGY

BOARD MEETING
FRIDAY, FEBRUARY 2, 2024
1801 Congress Ave, #9-900 / Videoconference
9:00 a.m.

This meeting will be open to the public at the above location and will proceed by videoconference, as allowed under Texas Government Code Sec. 155.127. The location above shall have two-way audio video communication with each of the other locations during the meeting. The President or Presiding Officer of the board will be physically present at the location and room listed above.

Please note that accommodations will be available for members of the public to physically attend the meeting at the above location but will be subject to limitations set out by the Texas Facilities Commission seating. Members of the public are encouraged to attend the meeting by accessing the videoconference or audio link below.

2/2/24 MRT – <https://bit.ly/020223MRT>

Or call in (audio only) [+1 512-596-3865,463533634#](tel:+15125963865463533634) Austin, United States

For instructions using Microsoft Teams, please go to
<https://techhelp.tmb.state.tx.us/Documentation/Teams/Publicmeeting.aspx>

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- 9:00 a.m.
1. Full Board call to order and roll call.
 2. Board Member Report.
 3. Executive Director's Report.
 - Budget Update
 - Internal Audit Update
 - Legislative Update
 4. Medical Director Report.
 5. Consideration and possible action regarding pending litigation.
 6. Texas Physician Health Program (TXPHP):
 - A. Discussion, recommendation, and possible action regarding referrals

- B. Report on Emergent Referrals
 - C. Program Activity Report
 - D. Drug Screening Quarterly Report
7. Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.
 8. Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director.
 9. Discussion, recommendation, and possible action regarding approval, rescinding or denial of program or instructor.
 10. Report on Program Approvals/Renewals.
 11. Reports and discussion regarding the Investigation, Litigation and Compliance Departments.
 - A. Enforcement Activity Report
 - B. Warning Letters Report
 - C. Criminal Case Review Report
 - D. Reports Regarding Cases Over One Year Old
 - E. Report on Temporary Suspensions
 - F. Report on Rehearing Requests
 12. Consideration and Approval of Membership of the Expert Physician Panel
 13. Discussion and Possible Action Regarding Review of Probationers' Appearances
 14. Follow-up Files.
 15. Cases Recommended for Dismissal.
 16. Appeals.
- Agenda item #17 at 9:45 a.m.**
17. Consideration and approval of Determination of Default.
 - a. Jorge Barrientos, NCR, SOAH No. 503-23-25743.NCR
 - b. Benjamin Eric Harwell, MRT, SOAH No. 503-23-25741.MRT
 18. Consideration and approval of Proposal for Decision.
 19. Consideration and approval of Modification Request/Termination Request Orders.
 20. Discussion, recommendation, and possible action regarding Agreed Orders.
 21. Discussion, recommendation, and possible action regarding Remedial Plans.
 22. Discussion, recommendation, and possible action regarding Mediated Settlement Orders.
 23. Discussion, recommendation, and possible action regarding Nunc Pro Tunc Orders.

24. Consideration and approval of Cease-and-Desist Orders.
25. Consideration and approval of Agreed Resolutions.
26. Consideration and approval of Consent Orders.
27. Report on Cease-and-Desist Orders approved by Executive Director
28. Report on Automatic Orders/Actions.
29. Discussion, recommendation, and possible action regarding the proposed amendments to 22 T.A.C. Chapter 194. Medical Radiologic Technology.
30. Discussion, recommendation, and possible action regarding the adoption of proposed amendments to 22 T.A.C. Chapter 194. Medical Radiologic Technology.
31. Open forum for public comments
32. Consideration and approval of the September 22, 2023, Board Meeting minutes and action items.
33. Adjourn.

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EXECUTIVE SESSIONS:

The Texas Board of Medical Radiologic Technology may close the meeting to the public and continue in executive session for the following reasons:

- a. Private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act, Section 551.071, Government Code.
- b. Deliberations concerning personnel matters under the authority of the Open Meetings Act, Section 551.074, Government Code.

While in executive session, the Board will not take any action, make any decision, or vote with regard to any matter that may be considered or discussed. A certified agenda of any executive session will be made.

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Persons requiring special accommodations, including the use of an interpreter, due to a disability should contact Laura Fleharty at the Board office phone 512-305-7174 or laura.fleharty@tmb.state.tx.us at least five (5) working days prior to the Board meeting.