

**TEXAS BOARD OF RESPIRATORY CARE
MINUTES OF THE
DISCIPLINE AND ETHICS COMMITTEE**

September 27, 2018, 9:00 a.m.

Presiding officer James Stocks, M.D. called the meeting to order at 9:04 a.m. Other members present were Sam Marshall, RCP, PhD, and Shad Pellizzari, RCP. Kandi Pool and Sonia Sanderson were not in attendance.

Stephen Brint Carlton, J.D. Executive Director, Scott Freshour, J.D. General Counsel and various other staff were also present.

Agenda Item #2. Discussion, recommendation, and possible action regarding referrals and reports from the Texas Physician Health Program.

It was announced by staff that there were no TXPHP cases to be presented to the D & E Committee under Agenda Item #2.

Agenda Item #3. Reports and discussion regarding the Investigation, Litigation and Compliance Departments.

Mr. Carlton presented the First Meeting Enforcement Report for FY19, a copy of which is attached. This was an informational item only and no vote was necessary.

Agenda Item #4. Discussion, recommendation, and possible action regarding Rule Review and proposed changes to the following chapters in Title 22 of the Texas Administrative Code:³

It was announced by staff that there were no proposed rules to be presented to the D & E Committee under Agenda Item #4.

Agenda Item #5 Consideration of approval of membership of the Expert Panel.

It was announced by staff that there was no membership of the Expert Panel to be presented for Agenda Item #5.

Agenda Item #6. Review, discussion and possible action regarding appeals of dismissed complaints.

It was announced by staff that there were no appeals of dismissed complaints to be presented for Agenda Item #6.

Agenda Item #7. Discussion, recommendation, and possible action regarding routine follow-up on investigative files previously referred from the D & E Committee for follow-up action.

Mr. Pellizzari moved and Dr. Marshall seconded that case #18-0105 be dismissed. Motion carried.

Agenda item #8. Review, discussion, and possible action regarding selected files and cases.

Dr. Marshall moved and Mr. Pellizzari seconded that SOAH Case #16-0384 be dismissed. Motion carried.

Dr. Pellizzari moved and Mr. Marshall seconded that SOAH Case #17-0865 be dismissed. Motion carried.

Dr. Marshall moved and Mr. Pellizzari seconded that the investigations and cases reviewed by the committee be resolved as noted and that they be listed along with each resolution as part of the minutes of this Committee. Motion carried.

Agenda item #8. Adjourn

There being no other business to discuss, Mr. Pellizzari moved that the meeting adjourn. Dr. Marshall seconded.

Motion carried at 9:12 a.m.

DISCIPLINARY COMMITTEE & DECISIONS REGARDING COMPLAINTS REVIEWED

ISC PANEL RECOMMENDATIONS – Texas Respiratory Care Board September 27, 2018

ISC Dismissal's

CASE # CLOSE CONTINUE TO ISC

18-0561	X		
18-0560	X		
18-0658	X		
18-0699	X		
18-0287	X		
18-0679	X		
18-0684	X		

Total = 7

COMPLAINTS REVIEWED PURSUANT TO STAFF

CASE # CLOSE CONTINUE TO ISC

18-0964	X		
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Total = 1

TXPHP Dismissals

CASE # CLOSE CONTINUE TO ISC

17-0019	X		
18-0719	X		

Total = 2

SOAH Case Dismissals (To be reviewed by full committee) Also, to have Formal complaint in LF

CASE # CLOSE CONTINUE TO ISC

16-0384	X		
17-0865	X		

Total = 2