



TEXAS BOARD OF RESPIRATORY CARE
BOARD MEETING MINUTES

June 24, 2021
Video Conference

The meeting was called to order June 24, 2021 at 9:04 a.m. by Latana T. Jackson, RCP, Presiding Officer. Other board members present were Samuel L. Brown, Jr.; Timothy R. Chappell, M.D; Sam G. Marshall, Ph.D., RCP; Debra E. Patrick, RCP; Kandace D. Pool; and Hammad N. Qureshi, M.D. Board members not present were Shad J. Pellizzari, RCP and Sonia K. Sanderson. 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 introduced new CFO Zac Chardonnet and gave an update on the budget. The budget is doing well with 5% returned to the comptroller and on track to finish the fiscal year with money left over.

Internal Audit Update – Mr. Carlton gave an update on the audit recommendations that will be implemented.

COVID-19 Update – A majority of staff continues to work from home.

Personnel Update – None.

Legislative Update – The session is over and there are a few bills that will impact the TMB directly and indirectly. Ms. Randermann reported that TMB was granted the request for \$3M for the move to the new building.

Agenda Item #4, Medical Director’s Report. Dr. Bredt reported that there is no current need for RCP panelist but recommendations are welcome.

Agenda Item #5, Consideration and possible action regarding Pending Litigation. Mr. Freshour gave an update on pending litigation.

Agenda Item #6, Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.

Applicant #2467 appeared before the Committee to appeal the Executive Director’s determination of ineligibility due to Board Rule 186.4(a)(6) under Procedural Rules and Qualifications for Certificate Applicants which states an applicant is not subject to probation or other disciplinary action for cause.

Dr. Chappell moved and Mr. Marshall seconded that the Committee close the meeting to the public and continue in Executive Session for deliberations concerning Agenda Item 6. The motion passed. Ms. Jackson announced that the meeting would be closed for deliberations at **9:34 a.m.** concerning licensure applications and the character and fitness of applicants under the



authority of The Medical Practice Act Sections 152.009 and 155.058, Occupations Code, and that while in executive session, the Board would 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.

The Executive Session ended at 9:58 a.m. The Licensure Committee conducted hearings to review licensure applicants appearing concerning eligibility. The hearings were conducted in Executive Session. Following the hearings, the Committee reconvened and considered the applications.

Dr. Chappell moved that the applicant's appeal be denied due to failure to demonstrate compliance with applicable requirements for licensure in Texas. Ms. Patrick seconded the motion. All voted in favor and the motion passed.

Agenda Item 7. Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director. There are none.

Applicant #2467 withdrew their application after their appearance and prior to formal action by the full board.

Agenda Item #8, Discussion, recommendation and possible action regarding petition for rulemaking. Ms. Tuthill gave an overview of the petition and staff's recommendation to deny the petition. After discussion, **Dr. Chappell moved, Ms. Patrick seconded and the motion passed to deny the petition.**

Agenda Item #9, Texas Physician Health Program (TXPHP)

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

18-0181A – After discussion, **Ms. Patrick moved, Dr. Qureshi seconded and the motion passed to accept TXPHP recommendation for the participant to remain with TXPHP.**

B. Report on Emergent Referrals.

Dr. McQueen gave a report on emergent referrals.

C. Other discussion items.

Dr. McQueen gave a report on TXPHP participation.

Agenda Item #11, Consideration and approval of Determination of Default.

a. Bethany White, RCP, SOAH #503-21-1979.RCP

b. Leslie Reavis, RCP, SOAH #503-21-1125.RCP

After discussion, **Mr. Marshall moved, Dr. Qureshi seconded, and the motion passed to approve and enter an order of default and revoke the certification for Bethany White, RCP and Leslie Reavis, RCP.**

There were no items for Agenda Item #12.

Agenda Item #13, Discussion, recommendation, and possible action regarding Modification/Termination Requests. After discussion, **Dr. Qureshi moved, Mr. Marshall**



seconded and the motion passed to approve the Modification/Termination Requests for Ivan Valenzuela, RCP.

Agenda Item #14, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, **Ms. Patrick moved, Dr. Qureshi seconded and the motion passed to approve the Agreed Orders for Gustavo De La Cerda, RCP; Christopher B. Martinez, RCP; James Njoka, RCP; Michael Payne, RCP; Anastacio Vargas, RCP and Sakura Miko Richards, RCP.**

There were no items for Agenda Items #15-23.

Agenda Item #24, Report on Temporary Suspensions. A report on Temporary Suspensions was provided.

Agenda Item #25, Report on Automatic Revocation Letters by ED. A report on Automatic Revocation Letters was provided.

There were no items for Agenda Item #26-27.

Agenda Item #28, Open forum for public comments. No one signed in for public comments.

Agenda Item #29, Consideration and Approval of the February 4, 2021 Respiratory Care Board Meeting Minutes. After discussion, **Ms. Patrick moved, Mr. Marshall seconded and the motion passed to approve the February 4, 2021 Respiratory Care Board meeting minutes.**

Break 10:40 am – 11:13 am.

Agenda Item #10, Review, discussion, and possible action regarding selected files and cases.

A. Warning Letters

B. Files for Review (assigned to committee members)

After discussion, **Mr. Marshall moved, Ms. Patrick seconded and the motion passed to accept the cases as resolved on the individual sign off sheets.**

20-3983 – After discussion, Dr. Chappell moved, Mr. Marshall seconded and the motion passed to deny approval for closure and recommend ISC.

19-5997 – After discussion, Dr. Chappell moved, Mr. Marshall seconded and the motion passed to deny approval for closure and recommend ISC.

20-0899 – After discussion, Ms. Pool moved, Ms. Patrick seconded and the motion passed to deny approval for closure and recommend ISC.

Agenda Item #32, Adjourn. There being no further items, **Ms. Patrick moved, Dr. Qureshi seconded, and the motion passed to adjourn the meeting at 11:19 a.m.**