



TEXAS BOARD OF MEDICAL RADIOLOGIC TECHNOLOGY  
BOARD MEETING MINUTES  
September 23, 2022  
Video Conference

The meeting was called to order at 9:02 a.m. by Faraz A. Khan, M.D., Presiding Officer. Board members present were Nicholas M. Beckmann, M.D.; Jennifer Brandt, MRT; Linda Brown; Regan R. Landreth; Scott A. Morren, MRT; Shaila D. Parker; and Carol Waddell, MRT. Board Member not present was Melanie “Shannon” Lutz, MRT. Staff members present were Stephen “Brint” Carlton, J.D., Executive Director; Chris Palazola, J.D., Operations Director; Scott Freshour, J.D., General Counsel; and Assistant General Counsels, Sarah Tuthill, J.D.; Wendy Pajak, J.D.; Yvette Yarbrough, J.D.; and various board staff.

**Agenda item #2, Board Member Report.** Nothing to report.

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

**Budget Update.** Mr. Carlton gave an update on the budget.

**Internal Audit Update.** Mr. Carlton gave an update on the Internal Audit.

**Building Update.** Mr. Carlton gave an update on the agency’s upcoming move to the George H. W. Bush Building.

**Agenda item #4, Medical Director Report.** There was nothing to report.

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

**Agenda item #6, Texas Physician Health Program (TXPHP):**

**A. Discussion, recommendation, and possible action regarding referrals.** There were none.

**B. Report on Emergent Referrals.** There were no emergent referrals.

**C. Other discussion items.** A report on TXPHP Participation was provided.

**Agenda item #7, Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.**

**Applicant #2533** – appeared before the Committee to appeal the Executive Director’s determination of ineligibility due to Board Rule 194.6(i) which states in part that all applicants must provide sufficient documentation to the board that the applicant has, on a full-time basis, actively practiced, been a student at an acceptable approved program or been on the active teaching faculty of an acceptable approved program within one of the last two years preceding receipt of an

application for certification or registration. The term "full-time basis," for purposes of this section, shall mean at least 20 hours per week for 40 weeks duration during a given year.

Because the applicant has not actively practiced full time as a Medical Radiologic Technologist since 2010, Board staff recommended that they would need to comply with the following:

- **Practice for 12 months under a Supervised Temporary Permit with submission of work log and evaluation at the end of the 12 months**

This recommendation was based on the active practice remedy matrix created by the Medical Radiologic Technology Board. The applicant is appealing the active practice recommendation and provided a proposed modification to the active practice remedy of practicing under a Supervised Temporary Permit for 10 hours a week for 80 weeks.

The applicant presented a brief summary and the members asked questions. Following discussion, **Ms. Landreth moved that the applicant's appeal be granted, and the applicant be allowed to practice under a Supervised Temporary Permit for 10 hours a week for 80 weeks with submission of work log and evaluation and the end of 80 weeks. Ms. Waddell seconded, the motion.**

**Ms. Landreth withdrew the motion and Ms. Waddell withdrew her second.**

**Ms. Landreth moved that the applicant's appeal be granted, and the applicant be allowed to practice under a Supervised Temporary Permit for 10 hours a week for 40 weeks in a 12-month period with submission of work log and evaluation and the end of 12 months. Ms. Waddell seconded the motion. All voted in favor and the motion passed.**

**Applicant #2548** – appeared before the Committee because the applicant has not actively practiced as a Non-certified Radiological Technician since 2011. Board staff provided the Applicant the option to either be referred to appear at the Board Meeting, or they could enroll in and successfully complete a Board approved NCT program to remedy the active practice issue. Per the active practice matrix created by the Medical Radiologic Technology Board, a committee referral is recommended for NCT applicants that have been out of practice for more than 5 years. The

applicant has chosen to appear before the Board. The applicant presented a brief summary and the members asked questions.

Following discussion, **Dr. Beckmann moved to determine the applicant ineligible for a Non-certified Radiological Technician due to failure to show compliance with Board Rule 194.6(i) which states in part that all applicants must provide sufficient documentation to the board that the applicant has, on a full-time basis, actively practiced, been a student at an acceptable approved program or been on the active teaching faculty of an acceptable approved program within one of the last two years preceding receipt of an application for certification or registration. The term "full-time basis," for purposes of this section, shall mean at least 20 hours per week for 40 weeks duration during a given year. Mr. Morren seconded the motion. All voted in favor and the motion passed.**

**Applicant #2547** – appeared before the Committee because the applicant has not actively practiced as a Non-certified Radiological Technician since 2010. Board staff provided the Applicant the option to either be referred to appear at the Board Meeting, or they could enroll in and successfully complete a Board approved NCT program to remedy the active practice issue. Per the active practice matrix created by the Medical Radiologic Technology Board, a committee referral is recommended for NCT applicants that have been out of practice for more than 5 years. The applicant has chosen to appear before the Board. The applicant presented a brief summary and the members asked questions.

Following discussion, **Mr. Morren moved to determine the applicant ineligible for a Non-certified Radiological Technician due to failure to show compliance with Board Rule 194.6(i) which states in part that all applicants must provide sufficient documentation to the board that the applicant has, on a full-time basis, actively practiced, been a student at an acceptable approved program or been on the active teaching faculty of an acceptable approved program within one of the last two years preceding receipt of an application for certification or registration. The term "full-time basis," for purposes of this section, shall mean at least 20 hours per week for 40 weeks duration during a given year. Additionally, Mr. Morren moved**

**that the applicant be required to successfully complete an acceptable NCT program that has been approved by the Board. Ms. Brown seconded the motion.**

**A vote was taken from each member. Mr. Morren voted in favor of the motion. Dr. Khan, Dr. Beckmann, Ms. Brandt, Ms. Brown, Ms. Landreth, Ms. Parker, and Ms. Waddell voted against the motion. The motion failed.**

**Ms. Waddell moved that the Applicant's request for a license be deferred until December 18, 2022. If on or before that date the Applicant can provide proof that they have successfully completed an acceptable NCT course/program that has been approved by the Board, they can be considered for licensure. If the Applicant is unable to provide the proof of successful completion of the program by December 18, 2022, their application will be considered automatically expired and withdrawn with no action required by the Board.**

**Ms. Brown seconded, the motion. Dr. Khan, Dr. Beckmann, Ms. Brandt, Ms. Brown, Ms. Landreth, Ms. Parker, and Ms. Waddell all voted in favor of the motion. Mr. Morren voted against the motion. The motion passed.**

There were no items for Agenda Items #8-10.

**Agenda item #10, Report on Program Approvals/Renewals.**

Ms. Unterborn reported that there is one LMRT program that meets all licensure requirements and has been approved by the Executive Director.

**Agenda item #11, Review, discussion, and possible action regarding selected files and cases.**

- A. Reports and Discussion re: the Investigation, Litigation, and Compliance Departments.** Mr. Palazola gave the Enforcement Activity and Criminal Case Review Reports.
- B. Consideration and Approval of Membership of the Expert Panel.** There were none.
- C. Discussion and Possible Action Regarding Review of Probationers' Appearances.** There were none.
- D. Rules Review.** There were none.
- E. Follow-up Files.** There were none.
- F. Cases Recommended for Dismissal.**

After discussion, Ms. Landreth moved, Ms. Waddell seconded, and the motion passed to dismiss 19-7281 and 22-5523.

After discussion, **Dr. Beckmann moved, Ms. Landreth seconded, and the motion passed to dismiss 22-8000, 22-3187, 22-0499, and 22-3998.**

After discussion, **Dr. Khan moved, Ms. Waddell seconded, and the motion passed to dismiss 22-7482 and 22-0357.**

After discussion, **Mr. Morren moved, Ms. Landreth seconded, and the motions passed to dismiss 22-8689.**

**G. Appeals.** There were none.

**Agenda item #12, Consideration and approval of Determination of Default.**

**a. Matthew Ryan Moore, MRT, SOAH #503-22-01078.MRT**

Ms. Amy Swanholm, Litigation Manager, gave a brief summary of the case. After consideration, **Ms. Waddell moved, Mr. Morren seconded, and the motion passed to accept the staff recommendation for the Determination of Default for Revocation for Matthew Ryan Moore, MRT.**

There were no items for Agenda Item #13.

**Agenda item #14, Consideration and approval of Modification Request/Termination Request Orders.** After discussion, **Dr. Beckmann moved, Mr. Morren seconded, and the motion passed to approve the Termination Request for Leilani Anne Hawley, MRT.**

**Agenda item #15, Discussion, recommendation, and possible action regarding Agreed Orders.** After discussion, **Ms. Waddell moved, Mr. Morren seconded, and the motion passed to accept the Agreed Orders for Ty C. Curiel, MRT and Angelina Fernandez, MRT.**

There were no Agenda Items for #16-25.

**Agenda item #26, Open forum for public comments.** No one was present to make public comments.

**Agenda item #27, Consideration and approval of the June 24, 2022, Board Meeting minutes and action items.** After consideration, **Ms. Parker moved, Dr. Beckmann seconded, and the motion passed to approve the June 24, 2022, Board Meeting minutes and action items.**

**Agenda item #28, Adjourn.** There being no further agenda items, **Ms. Waddell moved, Ms. Landreth seconded, and the motion passed to adjourn the meeting at 10:52 A.M.**