



TEXAS BOARD OF RESPIRATORY CARE
BOARD MEETING MINUTES
June 22nd, 2023

The meeting was called to order Thursday, June 22, 2023, at 9:04 a.m. by Latana T. Jackson, RCP, Presiding Officer. Other board members present were Sam G. Marshall, Ph.D., RCP, Assistant Presiding Officer; Samuel L. Brown, Jr.; Timothy R. Chappell, M.D; Shad J. Pellizzari, RCP; Hammad N. Qureshi, M.D and Sonja K. Sanderson (logged on at 9:20 am). Not present was Debra E. Patrick, RCP, Secretary/Treasurer, and Kandace D. Pool. Staff members present were Chris Palazola, Director of Operations; Scott Freshour, J.D., General Counsel; Robert Breddt, 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. Joey Estrada, CFO, gave an update on the current budget. The agency is currently executing 95% of the budget.

Internal Audit Update

Legislative Update Mr. Palazola updated the board on the passing of HB1998.

Active Practice

Agenda Item #4, Medical Director's Report. There was nothing to report.

Agenda Item #5, Consideration, and possible action regarding Pending Litigation.
There was nothing to report.

Agenda Item #6, Texas Physician Health Program (TXPHP)

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

22-1201 RCP – After discussion, Mr. Brown moved, Dr. Chappel seconded, and the motion passed for the participant to remain with TXPHP.

B. Report on Emergent Referrals.

There were three emergent referrals.

C. Other discussion items. A TXPHP Program Activity Report was provided.

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

Applicant #2569 appeared before the Committee to appeal the Executive Director's determination that the applicant needed to withdraws their application and reapply due to failure to report their complete arrest history on their application and that they needed to complete additional requirements to meet the active practice rule as they have not actively practiced since August 2002.

Because the applicant has not actively practiced since 2002, Board staff recommended that they would need to comply with the following:



- **Pass voluntary NBRC CRT exam;**
- **Complete 12 hours CEUs (online);**
- **Practice for 6 months under Supervised Temporary Permit with submission of work log and evaluation at the end of 6 months;**
- **All requirements need to be completed in 18 months.**

This recommendation was based on the active practice remedy matrix created by the Practice Authorization Committee.

Following discussion, **Dr. Chappell moved to deny the applicant's appeal of the Executive Director's determinations and thus the original determinations would stand. Mr. Marshall seconded the motion. All voted in favor and the motion passed.**

Applicant #2563 appeared before the Committee on referral by the Executive Director. The applicant presented a brief summary and the Committee members asked questions. Following discussion, **Dr. Chappell moved that the committee recommend to the full Board that the Applicant be granted a Respiratory Care Practitioner certificate. Mr. Marshall seconded the motion. All voted in favor. The motion passed.**

Agenda Item 8, Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director.

Agenda Item #9, Report and discussion regarding the Investigation, Litigation, and Compliance Departments.

- A. Enforcement Activity Report.** Mr. Palazola gave a report on Enforcement Activity.
- B. Warning Letters Report.** There were none.
- C. Criminal Case Review Report.** Mr. Palazola gave a report on Criminal Case Review.
- D. Report Regarding Cases Over One Year.** Mr. Palazola gave a report on Cases Over One Year.
- E. Report Temporary Suspensions.** There were none.
- F. Report Request Rehearing.** There were none.

There were no items for Agenda Items #10-12.

Agenda Item #13, Cases Recommended for Dismissal. After discussion, **Ms. Sanderson moved, Dr. Marshall seconded, and the motion passed to dismiss cases assigned to Ms. Sanderson.**

Dr. Chappell moved, Dr. Marshall seconded, and the motion passed to dismiss cases assigned to Dr. Chappell.

There was a break from 10:18-10:29 am.

Mr. Pellizzari moved, Ms. Sanderson seconded, and the motion passed to dismiss cases assigned to Ms. Pool.



There were no items for Agenda Items #14-16.

Agenda Item #17, Discussion, recommendation, and possible action regarding Modification/Termination Requests. After consideration, **Dr. Marshall** moved, **Mr. Pellizzari** seconded, and the motion passed to approve the **Modification/Termination Requests** for **Ivan Valenzuela, RCP**.

Agenda Item #18, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, **Mr. Pellizzari** moved, **Mr. Brown** seconded, and the motion passed to approve the **Agreed Order** for **Naim Rita, RCP**.

Agenda Item #19, Discussion, recommendation, and possible action regarding Remedial Plans. After discussion, **Mr. Brown** moved, **Dr. Marshall** seconded, and the motion passed to approve the **Remedial Plans** for **Belinda Garcia, RCP; Daniel Justin Guy, RCP; Mohammad Mohiuddin, RCP; Kathy Neulieb, RCP; Crystal York, RCP**.

There were no items for Agenda Items #20-28.

Agenda Item #29, Open forum for public comments. **Richard Hernandez** made public comments.

Agenda Item #30, Consideration and Approval of the February 2, 2023, Respiratory Care Board Meeting Minutes. After consideration, **Mr. Chappell** moved, **Dr. Marshall** seconded, and the motion passed to approve the **February 2, 2023, Respiratory Care Board meeting minutes**.

Agenda Item #31, Adjourn. There being no further items, **Dr. Marshall** moved, **Dr. Pellizzari** seconded, and the motion passed to adjourn the meeting at **10:42 a.m.**