



**TEXAS BOARD OF RESPIRATORY CARE**  
**BOARD MEETING MINUTES**  
June 25, 2020  
Video Conference

The meeting was called to order June 25, 2020 at 9:10 a.m. by Latana T. Jackson, RCP. Other board members present were: Timothy R. Chappell, M.D; Sam G. Marshall, Ph.D., RCP; Debra E. Patrick, RCP; and Sonia K. Sanderson. Kandace Pool logged on to the meeting after roll call at 9:30 a.m. Shad J. Pellizzari, RCP did not attend. 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.** The board had nothing to report.

**Agenda Item #3, Executive Director’s Report.**

**Budget Update** – Mr. Carlton gave a report on the agency’s budget. No action was taken on this agenda item.

**Internal Audit Update** – Mr. Carlton gave a report on the agency’s internal audit. No action was taken on this agenda item.

**COVID-19 Update** – Mr. Carlton gave a report on the agency’s COVID-19 response. No action was taken on this agenda item.

**New Process Guidelines** – Mr. Carlton gave an update on new process guidelines regarding Informal Settlement Conferences being conducted via videoconference. No action was taken on this agenda item.

**Agenda Item #4, Medical Director’s Report.** Dr. Bredt reported that the board currently has no need for additional experts practicing in the respiratory care field. No action was taken on this agenda item.

**Agenda Item #5, Consideration and possible action regarding Pending Litigation.** Mr. Freshour gave an update on pending litigation. No action was taken on this agenda item.

**Agenda Item #6, Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.** Grace Unterborn, Licensure Manager, gave a report concerning Applicant #2397. The applicant presented a brief statement and members asked questions. After discussion, **Dr. Chappell moved, Ms. Patrick seconded, and the motion passed** that a determination be deferred until such time the applicant provides

satisfactory completion of the following requirements within an eighteen-month period from the date of this meeting:

- a. **Passage of the Texas Medical Jurisprudence Examination;**
- b. **Verification of applicant's completion of 36 hours of continuing education with 24 hours being completed in-person and the remaining 12 hours having been completed online, with credit provided toward documentation of CE hours completed and submitted by applicant prior to the meeting;**
- c. **Board staff is directed to issue a supervised temporary permit that will have an expiration date that will allow the applicant to obtain at least 20 hours per week supervised practice for at least 6 months in an 18-month period subject to the following restrictions:**
  - **Applicant work fulltime, only in a setting that provides continuous full-time, on-site supervision by a Respiratory Care Practitioner or licensed practitioner, as defined under Chapter 604 Texas Occupations Code;**
  - **The supervising Respiratory Care Practitioner or practitioner shall submit quarterly reports regarding the applicant's work performance;**
  - **The supervising Respiratory Care Practitioner or practitioner shall submit, two weeks prior to the temporary permit expiring, a log showing time worked and an evaluation regarding the applicant's work performance.**

**Upon submission of documentation confirming successful completion of all requirements, the applicant can be issued a Respiratory Care Practitioner certificate upon approval by the Executive Director. This recommendation is due to the applicant's time out of active practice prior to application.**

There were no items for Agenda Item #7.

**Agenda Item #8, Texas Physician Health Program (TXPHP)**

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

**Ms. Patrick moved, Mr. Marshall seconded, and the motion passed that Case No. 1 remain with TXPHP.**

**Dr. Chappell moved, Mr. Marshall seconded, and the motion passed that Case No. 2 remain with TXPHP.**

**Ms. Patrick moved, Ms. Pool seconded, and the motion passed that the board accept TXPHP's referral of Case. No. 3.**

**Ms. Patrick moved, Dr. Chappell seconded, and the motion passed that Case No. 4 remain with TXPHP.**

**Dr. Chappell moved, Ms. Pool seconded, and the motion passed that Case No. 5 remain with TXPHP.**

**Ms. Patrick moved, Mr. Marshall seconded, and the motion passed to accept TXPHP's referral of Case No. 6.**

**B. Report on Emergent Referrals.** Mr. Bernardo stated there are no Emergent Referrals to report.

**C. Other discussion items.** Mr. Bernardo reported that TXPHP hired a new Medical Director, Dr. McQueen. He also reported that there is one RCP referral pending for an intake interview and another pending documentation.

**Agenda Item #9, Review, discussion, and possible action regarding selected files and cases.** After consideration, **Ms. Sanderson moved, Ms. Patrick seconded, and the motion passed to dismiss Investigations-Assigned and Legal Case Dismissals-Assigned files and cases as recommended.**

After consideration, **Dr. Chappell moved, Ms. Pool seconded, and the motion passed to dismiss the SOAH cases as recommended.**

After consideration, **Ms. Patrick moved, Dr. Chappell seconded, and the motion passed to dismiss the Review of Arrest pending conviction cases as recommended.**

**Agenda Item #10, Consideration and approval of Determination of Default.**

- **Ruben Uribe, RCP, SOAH #503-20-2257.RCP**

Susan Rodriguez, Staff Attorney Supervisor, gave a brief presentation on case. Mr. Uribe did not appear, and no one appeared on his behalf. After consideration, **Dr. Chappell moved, Ms. Patrick seconded and the motion passed to approve and enter an order of default and revoke the certification for Ruben Uribe, RCP.**

There were no items for Agenda Item #11.

**Agenda Item #12, Discussion, recommendation, and possible action regarding Modification/Termination Requests.** After consideration, **Dr. Chappell moved, Ms. Patrick seconded, and the motion passed to enter an order granting termination of the 2017 Order for Mario E. Sarmiento, RCP as recommended.**

There were no items for Agenda Item #13.

**Agenda Item #14, Discussion, recommendation and possible action regarding Remedial Plans.** After consideration, **Ms. Patrick moved, Ms. Sanderson seconded, and the motion passed to enter Remedial Plans for Michael D. Axum, RCP and Rachel S. Berry, RCP.**

There were no items for Agenda Items #15-17.

**Agenda Item #18, Consideration and approval of Agreed Resolutions.** After consideration, **Mr. Marshall moved, Ms. Patrick seconded, and the motion passed to enter**

**Agreed Resolutions for Ken I. Ike, RCP, David M. Rosenbaum, RCP, Stephanie Ann Spain, RCP, Estanislao Suerte, Jr., RCP, Tracey Tyson, RCP and Trey Ann Whitley, RCP.**

There were no items for Agenda Items #19-22.

**Agenda Item #23, Report on Temporary Suspensions.** A report on Temporary Suspensions was provided. No action was necessary.

There were no items for Agenda Items #24-25.

**Agenda Item #26, Open forum for public comments.** No one signed in for public comments.

**Agenda Item #27, Consideration and approval of the February 6, 2020 Respiratory Care Board Meeting Minutes.** After consideration, Mr. Marshall moved, Ms. Patrick seconded, and the motion passed to approve the February 6, 2020 Respiratory Care Board Meeting minutes.

**Agenda Item #28, Committee reports and the consideration and approval of minutes and action items of committees meeting during the board meeting.** There were no committee meetings.

**Agenda Item #29, Adjourn.** There being no further items, Mr. Marshall moved, Ms. Pool seconded, and the motion passed to adjourn the meeting at 11:13 AM.