



**TEXAS BOARD OF RESPIRATORY CARE**  
**BOARD MEETING MINUTES**  
February 6, 2025

The meeting was called to order Thursday, February 6, 2025, at 9:06 a.m. by Sam G. Marshall, Ph.D., RCP, Presiding Officer. Other board members present were Samuel L. Brown, Jr.; Timothy R. Chappell, M.D.; Kandace D. Pool; Hammad N. Qureshi, M.D. (*arrived at 9:13*); and Nathan “Nate” Rodrigues, RCP. Board members not present were: Debra E. Patrick, RCP; Latana Jackson, RCP and Sonja K. Sanderson. Staff members present were Brint Carlton, Executive Director; Christopher Palazola, Deputy Director of Operations; Scott Freshour, J.D., General Counsel; and various other board staff.

**Agenda Item #2, Board Member Report.** There was nothing to report.

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

**Budget Update** Joey Estrada, CFO, gave an update on the budget as of the end of January.

**Internal Audit Update** Mr. Carlton gave an update on the audit that was completed regarding the Licensure Department.

**Legislative Update** Mr. Carlton gave a brief update on the Legislative Session, and Mr. Estrada provided the Legislative Appropriations Request Supplemental Report.

**Rule Update** Mr. Carlton updated the board on the rules that went into effect in January.

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

**Agenda Item #5, Pending Litigation Report.**

Mr. Freshour gave an update on pending litigation.

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

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

After discussion, **Dr. Chappell moved, Ms. Pool seconded, and the motion passed to accept the recommendation and return cases TXPHP 18-0261 RCP and TXPHP 23-0401 RCP to TXPHP.**

**B. Report on Emergent Referrals.** There were none.

**C. Program Activity Report.** A TXPHP Program Activity Report was provided.

**D. Drug Screening Quarterly Report.** A Drug Screening Quarterly Report was provided.

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

**Applicant 2625** – appeared before the Board due to criminal history, disciplinary history and active practice issues. The applicant was present and the members asked questions. Following discussion, **Dr. Qureshi moved that the applicant be issued a license upon successful**



completion within 6 months of the voluntary NBRC RRT exam, 24 CEUs, and a 3 month supervised temporary license. Ms. Pool seconded the motion. All voted in favor and the motion passed.

**Applicant 2623** – was referred to appear before the Committee due to action by a health care entity. The applicant was present and the members asked questions. Ms. Unterborn provided a summary of the application. After discussion, **Dr. Chappell moved to grant licensure with no restrictions. Dr. Qureshi seconded the motion. All voted in favor and the motion passed.**

**Applicant 2616** – was referred to appear before the Committee due to action by a health care entity. The applicant was present and provided a brief statement and the members asked questions. Ms. Unterborn provided a summary of the application. After discussion, **Ms. Pool moved to issue a 6-month supervised temporary license. Mr. Brown seconded the motion. All voted in favor and the motion passed.**

**Applicant 2615** – was referred to appear before the Committee due to active practice issues. The applicant was present and provided a brief statement and the members asked questions. Ms. Unterborn provided a summary of the application. After discussion, **Dr. Chappell moved to grant licensure with no restrictions. Mr. Marshall seconded the motion. All voted in favor and the motion passed.**

**Applicant 2626** – appeared before the board on appeal of the Executive Director's determination regarding an active practice remedy. The applicant was present and provided a brief statement and the members asked questions. Ms. Unterborn provided a summary of the application. After discussion, **Mr. Brown moved to deny the appeal. No one seconded the motion, and the motion failed. Dr. Qureshi moved to grant the appeal and allow the applicant to practice in AZ at least 12 hours a week for 6 months with reports and work logs at the end of 6 months and to require the applicant to complete the missing 8.5 CEUs. Ms. Pool seconded the motion. All voted in favor and the motion passed.**

**Agenda Item 8, Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director.** Ms. Unterborn reported on one Remedial Plan offered by the Executive Director and accepted by the applicant. After discussion, **Dr. Qureshi moved to approve the remedial plan, Mr. Brown seconded the motion. All voted in favor and the motion passed.**

**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.** Mr. Palazola gave a report on Warning Letters.
- 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.** Mr. Palazola gave a report on Temporary Suspensions.

**F. Report Request Rehearing.** There were none.

There were no items for Agenda Items #10-11.

**Agenda Item #12, Follow-up Files.**

After discussion, **Dr. Qureshi moved, Dr. Chappell seconded, and the motion passed to dismiss case 24-8524.**

**Agenda Item #13, Cases Recommended for Dismissal.**

**a. Non-Standard of Care**

**Ms. Pool moved, Dr. Qureshi seconded, and the motion passed to dismiss all non-standard of case cases assigned to Ms. Pool. The motion passed.**

**b. Standard of Care**

**Mr. Brown moved, Dr. Qureshi seconded, and the motion passed to dismiss all standard of case cases assigned to Mr. Brown. The motion passed.**

**Mr. Marshall moved, Dr. Qureshi seconded, and the motion passed to dismiss all standard of care cases assigned to Dr. Marshall. The motion passed.**

There were no items for Agenda Items #14.

**Agenda Item #15, Consideration and approval of Determination of Default.**

**a. Ivan Valenzuela, RCP, SOAH #503-24-23167. RCP**

Amy Swanholm, Director of Litigation, gave a brief summary of the case. Mr. Valenzuela was not present, and no one was present on his behalf. After discussion, **Dr. Chappell moved, and Ms. Pool seconded to approve the order as presented. All voted in favor and the motion passed.**

There were no items for Agenda Items 16-19.

**Agenda Items #20, Discussion, recommendation, and possible action regarding Agreed Orders.** After discussion, **Dr. Qureshi moved, Ms. Pool seconded, and the motion passed to approve the Agreed Order for Roy Gonzales, RCP.**

There were no items for Agenda Items 21-24.

**Agenda Item #25, Report of Cease-and-Desist Orders approved the Executive Director.** A report on Cease-and-Desist orders approved by Executive Director was provided.

**Agenda Item #26, Report on Automatic Orders/Actions.** A report on Automatic Orders/Actions was presented.



**Agenda Item #27, Discussion, recommendation, and possible action regarding proposed rules to 22 T.A.C. Chapter 186, Respiratory Care Practitioners. There were none.**

**Agenda #28, Discussion, recommendation, and possible action regarding adoption of rules to 22 T.A.C. Chapter 186, Respiratory Care Practitioners. There were none.**

**Agenda Item #29, Open forum for public comments. No one made comments.**

**Agenda Item #13, Cases Recommended for Dismissal. RECALLED**  
*There was a 5 minute break from 10:57 am to 11:02 am.*

**Dr. Chappell moved, Dr. Qureshi seconded, and the motion passed to dismiss all non-standard of care cases assigned to Ms. Sanderson. The motion passed.**

**Agenda Item #30, Consideration and Approval of the September 19, 2024, Respiratory Care Board Meeting Minutes. After consideration, Ms. Pool moved, Mr. Rodrigues seconded, and the motion passed to approve the September 19, 2024, Respiratory Care Board meeting minutes.**

**Agenda Item #2, RECALLED.**

**Legislative Session** Mr. Carlton answered a question regarding compact and interstate licensure for MRT/RCP.

**Agenda Item #31, Adjourn. There being no further items, Dr. Chappell moved, Ms. Pool seconded, and the motion passed to adjourn the meeting at 11:07 a.m.**