



TEXAS BOARD OF RESPIRATORY CARE
BOARD MEETING MINUTES
February 2nd, 2023

The meeting was called to order Thursday, February 2, 2023 at 9:05 a.m. by Latana T. Jackson, RCP, Presiding Officer. Other board members present were Sam G. Marshall, Ph.D., RCP, Assistant Presiding Officer; Debra E. Patrick, RCP, Secretary/Treasurer; Samuel L. Brown, Jr.; Timothy R. Chappell, M.D; Shad J. Pellizzari, RCP; Kandace D. Pool; and Hammad N. Qureshi, M.D. Not present was Sonja 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. Estrada, CFO gave an update on the current budget.

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

Building Update – Mr. Carlton reported that the move to the new building has been completed.

Legislative Update – Mr. Carlton reported that the agency is monitoring bills that are filed.

Active Practice – Mr. Carlton provided an update on the Active Practice committee that the agency is forming. Ms. Jackson volunteered to be on the Active Practice Committee.

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.

21-1005 – After discussion, **Dr. Marshall moved, Dr. Qureshi, seconded, and the motion passed for the participant to remain with TXPHP.**

21-0101 – After discussion, **Mr. Brown moved, Mr. Pellizzari seconded, and the motion passed for the participant to remain with TXPHP.**

B. Report on Emergent Referrals.

There were no emergent referral.

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 #2558 – appeared before the Committee to appeal the Executive Director’s determination of ineligibility due to Board Rule 186.4(e) under Procedural Rules and Qualifications for Certificate Applicants which states an applicant All respiratory care practitioner applicants shall provide sufficient documentation to the advisory board that the applicant has, on a full-time basis, actively practiced as a respiratory care practitioner, has been a student at an acceptable approved respiratory care practitioner program, or has been on the active teaching faculty of an acceptable approved respiratory care practitioner program, within either of the last two years preceding receipt of an application for a respiratory care practitioner certificate. 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 since 2018, Board staff recommended that they would need to comply with the following:

- **Pass voluntary NBRC RRT exam;**
- **Complete 24 hours CEUs (with 2 hours in ethics);**
- **Practice for 3 months under Supervised Temporary Permit with submission of work log and evaluation at the end of 3 months;**
- **All requirements need to be completed in 6 months.**

This recommendation was based on the active practice remedy matrix created by the Practice Authorization Committee. The applicant presented a brief summary and the members asked questions. Following discussion, **Mr. Brown moved to deny the applicant’s appeal of the Executive Director’s determination and the original determination stands. Ms. Pool seconded the motion. All voted in favor and the motion passed.**

Applicant #2562 - appeared before the Board on referral by the Executive Director. The applicant presented a brief summary and the members asked questions. Following discussion, **Dr. Qureshi moved that a determination be deferred until such time the applicant provides satisfactory**



completion of the following requirements that will need to be completed in an eighteen-month period from the date of this meeting:

- **Passage of the voluntary NBRC RRT exam;**
- **Verification of 36 hours of continuing education (24 hours live/in person; 12 hours online; 2 of the 24 hours must be in ethics).**
- **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 a week supervised practice for at least 6 months in an 12 month period subject to the following restrictions: that the applicant work full time, only in setting that provides continuous full-time, on-site supervision by a certified 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. Dr. Chappell seconded the motion. All voted in favor and the motion passed.

The board members discussed concerns with and possible modifications to the Active Practice Matrix created by the Practice Authorization Committee. Ms. Jackson volunteered to be part of an Active Practice Committee that will consist of a representative member from each of the boards to review current active practice and remediation determinations amongst the boards and work towards a more standardized approach to handle active practice cases as much as possible when it comes to licensure.

There was a break from 10:09 am – 10:17 am.



Agenda Item 8, Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director. There were none.

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

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

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

Agenda Item #13, Cases Recommended for Dismissal. After discussion, Ms. Pool moved, Ms. Patrick seconded, and the motion passed to dismiss cases assigned to Ms. Pool. Dr. Chappel moved, Dr. Qureshi seconded, and the motion passed to dismiss cases assigned to Dr. Chappell.

Dr. Marshal moved, Mr. Brown seconded, and the motion passed to dismiss cases assigned to Dr. Marshall.

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

Dr. Qureshi moved, Mr. Brown seconded, and the motion passed to dismiss cases assigned to Dr. Qureshi.

Agenda Item #14, Appeals. After discussion, Dr. Qureshi moved, Ms. Patrick seconded, and the motion passed to deny the appeal for 22-1597.

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

a. Aaron Lemuel Williams, RCP, SOAH #503-22-0404.RCP

Elliot O'Day, Staff Attorney, gave a brief overview of the case. After discussion, Dr. Chappell moved, Mr. Brown seconded, and the motion passed to accept the Determination of Default and revoke the certification for Aaron Lemuel Williams, RCP.

Agenda Item #16, Consideration and approval of Proposal for Decision. There were none.

Agenda Item #17, Discussion, recommendation, and possible action regarding Modification/Termination Requests. There were none.



Agenda Item #18, Discussion, recommendation, and possible action regarding Agreed Orders. After discussion, **Dr. Marshall moved, Dr. Qureshi seconded, and the motion passed to approve the Agreed Order for Everett Avery Pierre, RCP.**

There were no items for Agenda Items #19-23.

Agenda Item #24, Consideration and approval of Consent Orders. After discussion, **Dr. Qureshi moved, Ms. Patrick seconded, and the motions passed to approve the consent orders for Aiden Codina, RCP; Colby Timothy Collier, RCP; and David Scantlin, RCP.**

There were no items for Agenda Items #25-28.

Agenda Item #29, Open forum for public comments. No one signed in to make public comments.

Agenda Item #30, Consideration and Approval of the September 22, 2022 Respiratory Care Board Meeting Minutes. After consideration, **Mr. Brown moved, Dr. Marshall seconded, and the motion passed to approve the September 22, 2022, Respiratory Care Board meeting minutes.**

Agenda Item #31, Adjourn. There being no further items, **Dr. Chappell moved, Dr. Marshall seconded, and the motion passed to adjourn the meeting at 10:32 a.m.**