



TEXAS BOARD OF RESPIRATORY CARE
BOARD MEETING
THURSDAY, SEPTEMBER 21, 2023
1801 Congress Ave 9-900 / Videoconference
9:00 a.m.

This meeting will be open to the public at the above location and will proceed by videoconference, as allowed under Texas Government Code Sec. 155.127. The location above shall have two-way audio video communication with each of the other locations during the meeting. The President or Presiding Officer of the board will be physically present at the location and room listed above.

Please note that accommodations will be available for members of the public to physically attend the meeting at the above location but will be subject to limitations set out by the Texas Facilities Commission seating. Members of the public are encouraged to attend the meeting by accessing the videoconference or audio link below.

9/21/23 RCP – <https://bit.ly/92123RCP>

Or call in (audio only)

[+1 512-596-3865,,301386009#](tel:+15125963865301386009) Austin United States

For instructions using Microsoft Teams, please go to

<https://techhelp.tmb.state.tx.us/Documentation/Teams/Publicmeeting.aspx>

- 9:00 a.m.
1. Full Board call to order and roll call.
 2. Board Member Report.
 3. Executive Director's Report.
 - Budget Update
 - Internal Audit
 - Legislative Update
 4. Medical Director Report.
 5. Consideration and possible action regarding pending litigation.
 6. Texas Physician Health Program (TXPHP):
 - A. Discussion, recommendation, and possible action regarding referrals
 - B. Report on Emergent Referrals
 - C. Program Activity Report
 - D. Drug Screen Quarterly Report

7. Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.
8. Discussion, recommendation, and possible action regarding proposed orders offered by the Executive Director.
9. Reports and discussion regarding the Investigation, Litigation and Compliance Departments.
 - A. Enforcement Activity Report
 - B. Warning Letters Report
 - C. Criminal Case Review Report
 - D. Reports Regarding Cases Over One Year Old
 - E. Report Temporary Suspensions
 - F. Report Request Rehearing
10. Consideration and Approval of Membership of the Expert Physician Panel.
11. Discussion and Possible Action Regarding Review of Probationers' Appearances.
12. Follow-up Files.
13. Cases Recommended for Dismissal.
14. Appeals.
15. Consideration and approval of Determination of Default.
16. Consideration and approval of Proposal for Decision.
17. Discussion, recommendation, and possible action regarding Modification/Termination Requests.
18. Discussion, recommendation, and possible action regarding Agreed Orders.
19. Discussion, recommendation, and possible action regarding Remedial Plans.
20. Discussion, recommendation, and possible action regarding Mediated Settlement Agreed Orders.
21. Discussion, recommendation, and possible action regarding Cease-and-Desist Agreed Orders.
22. Discussion, recommendation, and possible action regarding Nunc Pro Tunc Orders.
23. Consideration and approval of Agreed Resolutions.

24. Consideration and approval of Consent Orders.
25. Report on Cease-and-Desist Orders approved by Executive Director.
26. Report on Automatic Orders/Actions.
27. Discussion, recommendation, and possible action regarding propose rules to 22 T.A.C. Chapter 186. Respiratory Care Practitioners.
28. Discussion, recommendation, and possible action regarding adoption of rules to 22 T.A.C. Chapter 186. Respiratory Care Practitioners.
29. Open forum for public comments.
30. Consideration and Approval of the June 22, 2023 Board of Respiratory Care meeting minutes.
31. Adjourn.

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Executive Sessions: The Texas Board of Respiratory Care may close the meeting to the public and continue in executive session for the following reasons:

- a. Private consultation and advice of counsel concerning pending or contemplated litigation, settlement offers, and/or legal matters subject to the attorney-client privilege under the authority of the Open Meetings Act Section 551.071, Government Code.
- b. Deliberations concerning personnel matters under the authority of the Open Meetings Act Section 551.074, Government Code.

While in executive session, the Board will not take any action, make any decision, or vote with regard to any matter that may be considered or discussed. A certified agenda of any executive session will be made.

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Persons requiring special accommodations, including the use of an interpreter, due to a disability should contact Laura Fleharty at the Board office phone 512-305-7174 or laura.fleharty@tmb.state.tx.us at least five (5) working days prior to the Board meeting.

Board Members (9 of 9)

Latana T. Jackson, RCP, Presiding Officer
Sam G. Marshall, PhD., RCP, Assistant Presiding Officer
Debra E. Patrick, RCP, Secretary/Treasurer
Samuel L. Brown, Jr.
Timothy R. Chappell, M.D.
Kandace D. Pool
Shad J. Pellizzari, RCP
Hammad N. Qureshi, M.D.
Sonia K. Sanderson

