

Board of Respiratory Care Minutes

Date: August 28, 2014

Time: 9:00 a.m. C.S.T.

Location: Iris Conference Room
Ground Floor
665 Mainstream Drive
Nashville, TN 37243

Members Present: Anna Ambrose, RRT, Chair
Delmar Mack, RRT, Ed. D, Secretary
Jeffrey P. McCartney, MD
Troy Hamm, RRT
Lisa Caldwell, RRT
Winston A. Granville, RRT

Member(s) Absent: John Schario, Hospital Administrator

Staff Present: Mary Webb, Board Administrator
Lakita Taylor, ASA 3
Mary Katherine Bratton, Assistant General Counsel
Denise Moran, Director of Division of Investigations

Staff Absent: Marva Swann, Unit Director

Guests Present: Mike Harkreader, Director, Tennessee Professional Assistance Program
John Williams, Attorney, Tennessee Society for Respiratory Care

With a quorum being present, Dr. Delmar Mack, Secretary, called the meeting to order at 9:12 a.m. and a roll call vote with the following board members present: Dr. Delmar Mack, Anna Ambrose, Dr. Jeff McCartney, Troy Hamm, Lisa Caldwell, and Winston Granville.

Election of Officers

A motion was made by Dr. Delmar Mack and seconded by Troy Hamm to elect Anna Ambrose as the Board Chair. The motion carried.

A motion was made by Troy Hamm and seconded by Winston Granville to elect Dr. Delmar Mack as Secretary. The motion carried.

Rulemaking Hearing

Mary Katherine Bratton, Assistant General Counsel, presented the amended proposed rules to the Board. A roll call was given prior to the start of the rulemaking hearing, with the following Board Members in attendance: Dr. Delmar Mack, Anna Ambrose, Dr. Jeff McCartney, Troy Hamm, Lisa Caldwell, and Winston Granville; absent, John Schario.

Mary Katherine Bratton, Assistant General Counsel, presented the proposed rules, Chapter Number 1330-01- Chapter Title - General Rules and regulations Governing Respiratory Care Practitioners and Rule Numbers and Rule Titles as follows: 1330-01-.01 - Definitions; 1330-01-.02 - Scope of Practice; 1330-01-.05 - Qualifications and Procedures for Licensure; 1330-01-.12 Continuing Education; 1330-01-.14 - Temporary License; 1330-01-.19 - Board Officers, Consultants, Records, Declaratory Orders, Advisory Rulings, Subpoenas, and Screening Panels.

John Williams, Attorney for the TN Society of Respiratory Care, addressed the Board and stated that the TSRC is very pleased with the changes. Christine Hamilton, an educator with the Respiratory Department, at Tennessee State University, discovered a minor correction that needed to be changed in Rule 1330-01-.05(3)(c), and that is to add the Commission on Accreditation for Respiratory Care, (CoARC). John Williams suggested to insert the following language: “or the Commission on Accreditation for Respiratory Care (CoARC)”, because CoARC is the entity which currently accredits respiratory care educational programs and it has been a free standing agency which no longer functions in conjunction with the Commission on Accreditation of Allied Health Education Programs (CAAHEP) for the accreditation of respiratory care programs since November 2009.

Colleen Schabacker, Representative for the American Association of Respiratory Care, (AARC), expressed to the Board, the AARC was highly in favor and pleased with the proposed rule changes.

Mary Katherine Bratton, Assistant General Counsel, presented the Board with the Statement of Economic Impact To Small Business, and with no comments or questions, a roll call vote was given with the following Board Members in attendance: Dr. Delmar Mack, Anna Ambrose, Dr. Jeff McCartney, Troy Hamm, Lisa Caldwell, and Winston Granville; absent, John Schario.

Mary Katherine Bratton, Assistant General Counsel, presented the Board with the Regulatory Flexibility Analysis, and with no comments or questions, a roll vote was given with the following Board Members in attendance: Dr. Delmar Mack, Anna Ambrose, Dr. Jeff McCartney, Troy Hamm, Lisa Caldwell, and Winston Granville; absent, John Schario.

Mary Katherine Bratton, Assistant General Counsel, called for a roll call vote on the Rulemaking Hearing, with amendments in Rules 1330-01-.05 (3)(c) and 1330-01-.12 (1)(a) 3, with the following Board Members in attendance: Dr. Delmar Mack, Anna Ambrose, Dr. Jeff McCartney, Troy Hamm, Lisa Caldwell, and Winston Granville; absent, John Schario.

The rulemaking hearing concluded at 9:45 a.m.

Contested Case Hearing – Robert Neely

The case against Petitioner, Robert Neely was presented to the full Board of Respiratory Care with the Honorable Kim Summers, Administrative Judge, assigned by the Secretary of State. The Division of Health Related Boards of the Tennessee Department of Health was presented by Mary Katherine Bratton, Assistant General Counsel. The Petitioner, Robert Neely, was present and represented by counsel, Mark Freeman, Esq. The Honorable Kim Summers called the case to order by requesting a roll call vote from all parties involved. Board Members that were present announced their names as follows: Dr. Delmar Mack, Anna Ambrose, Dr. Jeff McCartney, Troy Hamm, Lisa Caldwell, and Winston Granville.

After a lengthy hearing and testimony from all parties, including Dr. Gary Wilson, a Psychologist for Robert Neely, the Final Order was presented to the Board Members for review, discussion and for a vote for each four (4) sections of the order. All Board Members unanimously agreed that Mr. Neely should be denied reinstatement of his expired license.

A motion was made by Dr. Delmar Mack, and seconded by Dr. Jeff McCartney, to approve section I of the Findings of Fact of the Final Order as written. The motion carried.

The Conclusions of Law, section II. of the Final Order, consisted of the reason for denial of a license pursuant to TENN. CODE ANN 63-27-112(c)(1), Title 63, Chapter 27, including the following portions of TENN CODE ANN 63-27-112(a):

- (1) Making false or misleading statements or committing fraud in procuring a license;
- (2) Immoral, unethical, unprofessional or dishonorable conduct
- (5) Violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the Board or any criminal statute of this state: and
- (8) Engaging in the practice of respiratory care when mentally or physically unable to safely do so.

A motion was made by Granville Winston and seconded by Troy Hamm to approve section II of the Final Order as written. The motion carried.

Policy Statement, section III, of the Final Order, Pursuant to TENN. CODE ANN 63-27-104, a motion was made by Dr. Jeff McCartney and seconded by Granville Winston to approve the policy statement as written. The motion carried.

Order, Section IV, of the Final Order, consisted of the following order: It is therefore, Ordered, Adjudged and Decreed as follows:

The Petitioner's application for licensure as a Respiratory Therapist is hereby DENIED. A motion was made by Lisa Caldwell and seconded by Granville Winston to approve the Order as written. The motion carried.

Approval of Minutes

Troy Hamm, made a motion seconded by Dr. Jeff McCartney, to approve the minutes for the Board meeting of May 29, 2014. The motion carried.

Office of General Counsel

Rules

The proposed rule amendments which the Board voted to have sent to a rulemaking hearing have been posted on the secretary of State's website for public commentary and viewing. The rulemaking hearing is set to take place at the August 28, 2014 meeting.

Litigation

Mary Katherine Bratton, Assistant General Counsel, presented the board with four (4) Consent Orders as follows:

Daniel Nathan Bruce – On or around December 6, 2012, respondent pled guilty to driving under the influence, which was self-reported. A motion was made by Dr. Jeff McCartney and seconded by Winston Granville to approve the Consent Order to place Mr. Bruce on probation for not less than one (1) year, with Troy Hamm recusing himself. The motion carried.

Ashley Nicole Hensley – On February 14, 2014, the Tennessee Board of Nursing ratified a Consent Order wherein respondent voluntarily surrendered her privilege to practice nursing in the State of Tennessee. As part of that Order, Ms. Hensley agreed to cease and desist from the practice of nursing in Tennessee immediately. A urine drug screen was performed which produced a positive test result. On or about November 12, 2013, a hair sample was submitted by Ms. Hensley which confirmed the urine drug test. A motion was made by Winston Granville, and seconded by Troy Hamm, to REVOKE the Tennessee registered respiratory license of Ashley Nicole Hensley, license number 3676. The motion carried.

Linda Barstad – On November 18, 2010, Ms. Barstad pled guilty to driving under the influence. From August 26, 2012 to November 19, 2012, Ms. Barstad was in inpatient treatment for drugs and alcohol addiction. On July 18, 2013, Ms. Barstad pled guilty to leaving the scene of an accident. Ms. Barstad retired her license during the Division's investigation on February 19, 2014 and the license is officially recognized as retired. Ms. Barstad has agreed not to reinstate her license until she has entered a monitoring agreement with the Tennessee Professional Assistance Program. A motion was made by Mr. Hamm, and seconded by Dr. Jeff McCartney, that Ms. Barstad's license be officially recognized as retired and that she must enter a monitoring agreement with Tennessee Professional Assistance Program. The motion carried.

Gregory G. Shivley – On February 14, 2010, Mr. Shivley pled guilty to driving under the influence. On May 6, 2010, Mr. Shivley underwent a drug screening at work which returned a positive test result. Mr. Shivley entered a monitoring agreement with the Tennessee Professional Assistance Program on

January 14, 2011. However, due to noncompliance with the monitoring agreement, the Tennessee Professional Assistance Program has closed their file. The registered respiratory license number 3635 expired on October 31, 2012. A motion was made by Mr. Granville, and seconded by Lisa Caldwell, that the license be recognized as officially expired and that Mr. Shivley agrees not to reinstate his license until he has successfully re-obtained a Tennessee Professional Assistance Program contract and comply with the terms and conditions of the contract. The motion carried.

OGC currently has seven (7) pending cases pertaining to the Respiratory Care Board.

Investigative/Disciplinary Report

Denise Moran, presented the Investigative and Disciplinary reports as follows: There are currently three (3) RRT complaints and one (1) CRT complaints open in Investigations as of July 2014. There are thirty four (34) individuals being monitored at this time: eleven (11) RRTs, twenty one (21) CRTs, one (1) CRA, and one (1) unlicensed to practice.

Tennessee Professional Assistance Program Report

John Harkreader gave the following report:

Statistics from July 1, 2013 through June 30, 2014

Monitoring	8
Monitoring agreements signed	4
Referral Source - Employer	1
Referral Source - TDOH	1
Monitoring Type - TDOH	2
Non-voluntary	6
File Closure – monitoring completed	1
File Closure – declined services; TDOH notified	2

Applicant Interview/File Review

1. Tamara Nicosia – Ms. Nicosia was present. The file was reviewed and discussed by the full board. Ms. Nicosia had several charges that did not result in any convictions. However, the Full Board agreed to send Ms. Nicosia, to the Tennessee Professional Assistance Program, and to issue Ms. Nicosia a license contingent upon a favorable TnPAP evaluation and only if she adheres to the contract conditions, if a monitoring agreement is required. A motion was made by Troy Hamm, and seconded by Dr. Mack. The motion carried.
2. Robin Scott – Ms. Scott was not present. The file was brought before the Board due to a Petit Larceny charge on June 8, 2011. A motion was made by Mr. Granville, and seconded by Ms. Caldwell, to defer her application until the November 20th board meeting and request Ms. Scott to attend the meeting for an interview. The motion carried.

3. James Creighton - Mr. Creighton was present. The file was brought before the Board due to a Theft of Property and Forgery charge. After discussion and interview with Mr. Creighton, a motion was made by Ms. Caldwell, and seconded by Mr. Hamm, to approve Mr. Creighton for a license. The motion carried.

Board Discussions and other Board business

1. **Authorize a rulemaking hearing regarding a reduction in fees**

Mary Katherine Bratton, informed the board that a rulemaking hearing will not take place until the February 2015, board meeting sometime next year because of the lengthy approval process.

2. **Discussion of a polysomnography position statement to create a best best practice model**

The Board requested that the administrative staff give a total number of polysomnography endorsements at the November 20th board meeting.

3. **Discuss surplus of funds**

A motion was made by Dr. Jeff McCartney, and seconded by Granville Winston, to approve a fee decrease by reducing the renewal fees to \$100 and the initial applications to \$150. The motion carried.

4. **Presentation from Colleen Schabacker, representative for, American Association for Respiratory Care regarding their position on licensing certified respiratory therapists**

Ms. Schabacker explained to the board that in 2015 the NBRC will administer one exam and depending on how high the score is, an applicant will either be licensed as CRT or an RRT. John Williams, Attorney for the Tennessee Society for Respiratory Care, informed the Board that the change would require a statutory change as well as a rule change and that requiring that the minimum education be that of a baccalaureate degree would have a severe impact on the community colleges and the cost of tuition will increase significantly.

Ratifications

Mr. Hamm made a motion seconded by Dr. McCartney to approve the list for certified respiratory therapists and reinstatements. The motion carried. A motion was made by Mr. Granville and seconded by Mr. Hamm to approve the list for registered respiratory therapists and reinstatements. The motion carried.

REGISTERED RESPIRATORY THERAPISTS

NEW LICENSES

BRITTNI KAYLYN ADCOCK
KARI NICOLE BAKER
JENNIFER RENEE BANDY

MCKAYLA FALLYN DERIDDER
KELLY ENGLAND DUNN
JEFFREY LYNN EDDINGS

Respiratory Care Minutes
August 28, 2014

CRYSTAL RANIECE BANKS
SCOTTY W. BANKS
SABRINA MECHALE BARNES
MERISSA MAE BARRY
KELSEY MARIE BAXTER
LISA WALKER BOESINGER
JAKY MAGDI BOULOS
AMANDA ESTELLE BRIGGS
JEREMY ANTWAN BUFFORD
MALLORY PAIGE BURNETT
LOWELL L. BUSH
TERRY DOUGLAS CATES
FRANCESCA LAVETTA CLARK
DANIEL CLARK COLEMAN
ASHTON BROOKE CONLEY
JUSTIN DANIEL COOK
MORGAN RENEE COONEY
TER'REZ ALLEN CRABTREE
AMBER MORRIS CRUZ
RACHEL CLAIRE CURTIS
MEGAN MARIE DANIEL
COURTNEY E. SCHUMACHER HILAN
CHARLOTTE BURNETTE LUCAS
GARY DEAN LUITJENS SR.
MAGEN LEANN LYNCH
JONATHAN PAUL MACZKA
EVELYN HAYES MCKINNEY
JESSICA MARIA MCMAHAN
SARA MOOMY MEADOR
MELISSA HARGROVE MESKENAS
KATY MALCHOW MORELAND
STACI DANIELLE MORRIS
BRITTANY CAVIN NEWLAND
MORGAN KATE OTTINGER
LAUREN ELIZABETH OWENS
ERIN FELTON PAIGE
MIRANDA ROEGNER PASCHALL
ERICA HEARNE PERSON
MEGAN JEAN PORTER
AMY JEAN PRZYBYLSKI
AMANDA HARRISON HARRIS
HEATHER BROOKE REESE
MEGAN ALICIA RICHARDSON
ANDREW THOMAS RICKER
JENNIFER NICOLE RICKER
ASHLEY NICOLE ROBERTS
LATOYA DANIELLE ROBINSON
SARA YORSHEE SAEED
RAFTERY K SCHIDER -HEISEL
RICHARD THEODORE SCHINSCHKE, JR.

RITA YOUNG EPLIN
ARRON BLASÉ ETIENNE
MADONNA FID FAHMY
JASON TODD FOWLER
COLLEEN MARY GATTON
REBECCA WALBURN GIPE
BYRON SETH GOAD
SARA MICHELLE GUASCO
MARIAH FAITH HAYNES
LISA ANNE HEATH
MARY ANNETTE HYMES
SARA ALYSON JOHNSON
KENDALL RYANT JONES
STACEY AMANDA JONES
SHARLINA LAVETTE JONES
AARON ALLEN KELLEY
PATRICIA D. LANE
PHIDOMISE DALMACY LEVEQUE
REBECCA HOLCOMB LEWIS
BRADLEY DANIEL LLOYD
PAMELA ELIZABETH LOGAN
LANDON CLAY SHIELDS
AARON BLAKE SMITH
MICHAEL CAVENDER SMITH
LAURIN NYREE SNELLER
ZACHARY DANIEL STATON
AMBER DEANNA STINES
CHRISTEN DENISE STRADER
KELSEY LOIS TAYLOR
ALFRED RUSSELL THOMPSON
COURTNEY DAWN UTLEY
HELLA KRISTELL WEBER
DANIELLE MONTANA WESTMORELAND
JESSICA DENISE WHITFIELD
JOSHUA ANDREW WILSHUSEN
ALISHA BROOKE WINEGAR
JUSTIN DREW WRIGHT
SHEILA PARKER YARBROUGH
ALYSON JEAN ZUMBRUM-FURINE
JEROME LOVE
COURTNEY E. SCHUMACHER
LAUREN JANEAL WHITAKER
TORAN ALLEN WILSON

REINSTATEMENTS

MELODY PHILLIPS BUSS
JENNY LEE HARRISON
ERIN LYNN OZMENT
CAROL A. PERRY
STEVE A. REID

CERTIFIED RESPIRATORY THERAPISTS

NEW LICENSES

BRENDA KAY ARNOLD
KARI NICOLE BAKER
SCOTTY WAYNE BANKS
SARAH ELIZABETH BARNES
BRIDGETTE ALAINE BENTON
JESSICA D. BRIM
MORGAN KATE CAMERON
JOSHUA WAYNE HARDY
CODY AUSTIN HARWELL
TAMARA LEIGH HICKS
SARA ALYSON JOHNSON
CAYCEE ANNE JONES
PHILIP YAQUB KHAN
PATRICIA DOMINIQUE LANE
BRANDI KNIGHT LAXTON
REBECCA HOLCOMB LEWIS
BRADLEY DANIEL LLOYD
JONATHAN PAUL MACZKA
KATIE LYNN MANNING
JESSICA M. MCKINNEY
JESSICA MARIA MCMAHAN
CYNTHIA G. MERCADO
MADELINE ANN NEER
BRITTANY CAVIN NEWLAND
MICHAEL DAVID PERKINS
AMANDA NICOLE RICHARDSON
ANDREW THOMAS RICKER
ASHLEY NICOLE ROBERTS
TAHLIA CIERRA SALEMI

JESSICA HENSON COLLINS
JASON TODD FOWLER
REBECCA WALBURN GIPE
BYRON SETH GOAD
HEATHER NICOLE GRIST
SHAVOKIA EARNEKE HALL
TERI WILSON HAMBY
CHELSEA PAIGE TERRY
ALFRED RUSSELL THOMPSON
SARA JANE TOVAR
COURTNEY DAWN UTLEY
DAVID SOLOMON VANDER GALIEN
JACOB TYLER WEATHERFORD
JESSICA DENISE WHITFIELD
ANDREA MIDDLE WILKERSON
KAYLA MARLENE WILLIFORD
ALISHA BROOKE WINEGAR
JENNIFER RENEE WOOD
JUSTIN DREW WRIGHT
DUWANA FISHER SMITH

REINSTATEMENTS

BRUCE I. BECK
KIMBERLY E. CLAYTON
ROBBIE A. LUZZO
DARRELL JAMES PORCHE
ROBERT LEWIS YOUNG, JR.

Administrator's Report

As of July 31, the numbers of active licensees were:

- RRT—3219
- CRT—1620
- RCA—12

Board activity totals from May 28, 2014 through August 26, 2014:

RRT	CRT
New licenses—98	New licenses—49
Reinstated—5	Reinstated—5
Retired—12	Retired—5
Failed to Renew—30	Failed to Renew—25

506 practitioners renewed during this period with 386 renewing online.

Adjournment

There being no further business, the meeting was adjourned at 4:08 p.m.

These minutes were ratified at the November 20, 2014 board meeting.