

Board of Respiratory Care Minutes

Date: November 20, 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
John Schario, Hospital Administrator

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

Guests Present: Elaine Eaton, Director, Tennessee Professional Assistance Program
John Williams, Attorney, Tennessee Society for Respiratory Care
Zack Gantt, President from the Tennessee Society for Respiratory Care
Candace Partee, Board Consultant
Colleen Schabacker

With a quorum being present, Madam Chair, Anna Ambrose, called the meeting to order at 9:04 a.m. and a roll call vote with the following board members being present: Dr. Jeff McCartney, John Schario, Winston Granville, Anna Ambrose, Dr. Delmar Mack, Lisa Caldwell, and Troy Hamm.

Contested Case Hearing – Rhonda Ferrell, CRT

The case against Respondent, Rhonda Ferrell was presented to the full Board of Respiratory Care with the Honorable Thomas G. Stovall, Administrative Judge, assigned by the Secretary of State, presiding at the hearing. The Division of Health Related Boards of the Tennessee Department of Health was presented by Mary Katherine Bratton, Assistant General Counsel. The Respondent, Rhonda Ferrell, was not present and was not represented by counsel. The Honorable Thomas G. Stovall called the case to order by requesting a roll call vote. Board Members that were present announced their names as

follows: Dr. Jeff McCartney, John Schario, Winston Granville, Anna Ambrose, Dr. Delmar Mack, Lisa Caldwell, and Troy Hamm.

After review of the Notice of Charges and all materials presented to the Board, the Board moved to find the Respondent, Rhonda Ferrell in default for not responding to correspondence from the Office of General Counsel.

The Final Order was presented to the Board Members for review, discussion and an agreement for each four (4) sections of the Final Order as follows:

- I. FINDINGS OF FACT
- II. CONCLUSIONS OF LAW
- III. POLICY STATEMENT
- IV. ORDER

All board members unanimously agreed with the FINAL ORDER and each four (4) sections and the recommendation that the license of Ms. Rhonda Ferrell be SUSPENDED and remain Suspended due to Respondent violating the May 23, 2013 Consent Order by failing to maintain the advocacy of TnPAP and also failing to pay costs of prosecuting the May 23, 2013 case in the amount of \$500.00. Ms. Ferrell still has an outstanding balance of \$468.81.

Ms. Ferrell must complete the requirements in paragraph twelve and thirteen (12 & 13) of section IV of the Order and must petition for an Order of Compliance and appear personally before the Board before the suspension can be lifted.

The Contested Case hearing concluded at 9:52 a.m.

Consent Order

Ms. Bratton presented a consent order on Respondent, Kimberly Neal, LCRT. On or about February 5, 2014, Respondent tested positive for alcohol on a drug screen. Ms. Neal underwent an evaluation approved by the Tennessee Professional Assistance Program (TnPAP) and signed a sixty (60) month monitoring contract with TnPAP. Ms. Neal is noncompliant with her TnPAP monitoring contract.

The Consent Order stipulations are that Respondents' license be placed on SUSPENSION, for a period of not less than ninety (90) days and for Respondent to undergo an evaluation approved by TnPAP.

A motion was made by Mr. Winston, and seconded by Mr. Hamm, to approve the Consent Order in its entirety. The motion carried.

Approval of Minutes

Troy Hamm, made a motion, seconded by Winston Granville, to approve the minutes for the Board meeting of August 28, 2014. The motion carried.

Office of General Counsel

Rules

Ms. Bratton informed the Board that the Board held its rulemaking hearing on the continuing education Rule changes, at its last meeting and voted to adopt the Rule changes with some minor alterations. The rules have been sent to the Attorney General's office to ensure that they do not conflict with any existing law, and they should be brought before the Joint Government Operations Committee this winter.

The proposed Rule change for a fee reduction has been drafted and the internal documentation is going through the process of approval now. The financial department took a look at the numbers again, and suggested a \$40 rather than a \$20 reduction in annual renewal fees, as had been previously proposed.

Litigation

OGC had two pending cases pertaining to the Respiratory Care Board. One of them was disposed of by a Consent Order and the other was the one set for trial at the November 20, 2014 board meeting.

Policies

Ms. Ambrose had suggested at the last board meeting that the Board promulgate a policy statement regarding respiratory therapists giving flu shots next fall. A draft policy statement was included in the Board books for review. Upon review, the Board voted to adopt and ratify the flu shot draft policy statement.

Conferences

Dr. Mack and Ms. Bratton attended several conferences over the past few months, and were glad to report that the Respiratory Care Board seems to be avoiding pitfalls other boards have encountered.

Dr. Mack also raised the issue of whether there are any mechanisms in place for immigrants getting a license once a college or university has accepted them to their school. After reviewing the license application form, the Board saw that this issue has already been addressed in the Board's application.

Investigative/Disciplinary Report

Rachel Talley, Disciplinary Coordinator in the Office of Investigations, presented the Investigative and Disciplinary reports as follows: There are currently two (2) RRT complaints and two (2) CRT complaints open in Investigations as of October 2014. There are twenty five (25) individuals being monitored at this time: eight (8) RRTs, fifteen (15) CRTs, one (1) CRA, and one (1) for unlicensed practice.

Tennessee Professional Assistance Program Report (TnPAP)

Elaine Eaton, TnPAP Coordinator, gave the following report:

Statistics from July 1, 2014 through September 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

Financial Report

Lisa Tittle from the Office of Finance reported that for fiscal year 2014, the Board had total direct expenditures of \$113,287.32. The total allocated expenditures were \$88, 817.10 for a total of expenditures of \$202, 104.42, which brought the cumulative carryover to \$816, 345.51 for fiscal year 2014.

Surplus Funds

Ms. Tittle brought a proposal to the Board that it should consider reducing the renewal fees lower than what was originally agreed with at the August meeting. After much discussion Lisa Tittle suggested to the Board that the renewal fee should be reduced to One Hundred Dollars (\$100) and the initial application fee should be reduced to One Hundred and Fifty dollars (\$150). A motion was made by Mr. Schario, and seconded by Mr. Granville, to approve the two fee reductions. The motion carried.

Ms. Bratton explained to the Board that the next step to initiate the fee reduction would be to have a rulemaking hearing which would probably take place at the May board meeting.

Madam Chair, Anna Ambrose proposed a task force meeting to be held immediately after the February 12th board meeting to discuss methods of using the surplus funds that would benefit the health of the public and the profession. All members of the Board agreed including Zack Gantt, President of the Tennessee Society for Respiratory Care.

Applicant Interview/File Review

1. Robin Scott – Ms. Scott was present. Ms. Scott’s license application file was brought before the Board due to a Petit Larceny charge on June 8, 2011. A motion was made by Dr. McCartney, and seconded by Mr. Hamm, to issue a license with no restrictions. The motion carried.
2. Teric Tibbs - Mr. Tibbs was present. Mr. Tibbs’ license application file was brought before the Board due to several misdemeanor criminal charges, including DWI, Adult or casual exchange, theft of property, and a felony aggravated weapon robbery conviction on December 20, 1994. A motion was made by Dr. Mack, and seconded by Troy Hamm to approve Mr. Tibbs for a license with no restrictions. The motion carried.
3. Carlos Duncan – Mr. Duncan was not present. Mr. Duncan’s license application file was brought before the Board due to the applicant being found guilty of a DWI on January 4, 2004 in Texas. A motion was made by Dr. McCartney, and seconded by Lisa Caldwell, to delay the file until the February 12, 2015 board meeting and invite Mr. Duncan to attend the meeting. The motion carried.

4. Genese Dufur – Ms. Dufur was not present. Ms. Dufur’s license application file was brought before the Board due to Ms. Dufur being cited for willful cruelty to a child and damages to a wireless device. A motion was made by Mr. Granville, and seconded by Dr. Mack, to delay the file until the February 12, 2015 board meeting and request Ms. Dufur to appear at the meeting. The motion carried.
5. Kristi Hobson – Ms. Hobson was not present. Mr. Winston Granville recused himself from the discussion of Ms. Hobson’s application file. The file was brought before the Board due to Ms. Hobson having a lengthy history of traffic law violations from October 2007 through April 2014. All of the traffic violations against Ms. Hobson have been settled or dismissed. A motion was made by Mr. Hamm, and seconded by Dr. McCartney, to approve Ms. Hobson for a license. The motion carried.
6. Theresa Robison – Ms. Robison was not present. The license application file was brought before the Board due to Ms. Robison having a DUI conviction in February 2011. A motion was made Mr. Hamm, and seconded by Dr. McCartney, to approve Ms. Robison for a license with no restrictions. The motion carried.
7. Anthony Baker – Mr. Baker was not present. The license application file was brought before the Board due to Mr. Baker being convicted of a domestic abuse battery charge on June 12, 2007. A motion was made by Dr. McCartney, and seconded by Ms. Caldwell, to approve Mr. Baker for a license. The motion carried.

Board Discussions and other Board Business

1. Discuss and take action if needed, regarding a policy statement, for Respiratory Therapists Practitioners, to administer flu shots

Madam Chair, Anna Ambrose proposed adopting a policy statement which would allow respiratory therapists to administer flu vaccines. Ms. Bratton presented a draft policy statement, should the Board choose to adopt it.

After discussion led by Madam Chair, Anna Ambrose, and the Board, a motion was made by Mr. Granville, and seconded by Dr. McCartney, stating that it is in the scope of practice for respiratory therapists to administer flu vaccines and to accept the policy statement in its entirety. The motion carried.

Ms. Bratton told the Board that the policy statement would be posted on the Board’s website.

2. Discuss request from Kevin Shaw for an Advisory Ruling regarding whether respiratory therapists can perform PICC line placements.

Zack Gantt President, of the TSRC, explained to the Board that he had spoken to members of the Tennessee Society for Respiratory Care as well as the American Association for

Respiratory Care and both agencies agree that PICC line placements fit into the practice of respiratory care.

Board Counsel, Mary Katherine Bratton, explained to the Board that she did not believe that administering PICC lines is within the scope of practice for respiratory therapists. Ms. Bratton stated that it is her opinion that this procedure is not in the scope of practice. Ms. Bratton suggested that it is more appropriate for the board to table the discussion and discuss the issue at a later meeting when more information and documentation are presented.

Ms. Bratton told the Board that the Tennessee Medical Association presented a statement that PICC Lines are usually inserted by specially trained nursing Physician Assistants, Medical Practitioners, and Nurse Practitioners and that they were surprised that a respiratory care therapist would attempt to do the procedure.

Mr. John Williams, Attorney for the TSRC, stated that the procedure appears to be a legal issue and a medical issue and that the Board may want to defer the discussion to a later meeting. Mr. Williams encourages the Board to explore the issue further and get some medical input and other State Board's opinions as well. He stated that the TSRC would be having a meeting on November 21, 2014 and he would bring the issue up at their meeting and gather additional information and bring it back before the Board of Respiratory Care.

3. Discuss web site creatingethicalboundaries.com, submitted by Dr. Mack.

Dr. Mack wanted the Board to explore using the website creating ethical boundaries as an option or alternative to TnPAP for licensees who need to be referred for assistance pertaining to boundaries or ethical issues.

Ms. Bratton explained to the Board that the Board already has a peer assistance program and a contract with TnPAP and that a bidding process took place and TnPAP won that bid. Ms. Bratton said that if an individual wants to use a different program that it would be at the licensee's expense and that the Board would need a list of other available programs. However, it cannot be offered as an option until 2019.

4. 2015 Board Meeting Dates

The 2015 board meeting dates were reported as follows: February 12th, May 28th, August 27th, and November 12th.

5. Board Members and Staff to attend conferences.

A motion was made by Dr. Mack and seconded Troy Hamm to approve Lisa Caldwell, Dr. Mack, Winston Granville, Michael Sobowale, Mary V. Webb, and Lakita Taylor to attend the 39th FARB

FORUM in Tucson, AZ which will be held from January 23-25, 2015.

Ratifications

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

REGISTERED RESPIRATORY THERAPISTS

NEW LICENSES

Lubna Alzeer
Amie Graham Aspley
Cayla Brock Baggett
Jacob M. Banghart
Maura Elizabeth Basic
Kelsey Dianne Bell
Tiffany Nicole Boles
Heather Kristan Boswell
Crystal Gail Buck
Mark H. Burchfield
Barbara Ellen Burhans
Joseph Michael Chrobak
Jimmie Clint Cunningham
Bridgette Elaine Dinkel
Ansley Christine Dolberry
Shirah Denay Ellison
Josh Emberton
Cynthia Allen Farmer
Tonya Elaine Fletcher
Casey Nicole Gibson
Courtney Paige Gibson
Heather Grant Gilbert

Nirmaya Gurung
Sharon L. Hackman
Teri Lee Hamby
Joshua Danalynn Helton
Amy Boyd Hickman
Jason Lowell Hillner
Shelby Evans Holland
John R. Huskey
Rodney Rumon Jeffries
Erica Renee Johnson
Kyle Matthew Johnson
Ashley Renee' Key
Christine Juanita Kimble
Jason Martin Labonte
Toni Laquita Lane
Nicole Maris Liendecker
Jimmy D. Lowrance
Katelyn Stafford McCloskey
Paige Marie McGuire
Polly Parker McMillan
Joy Denise Massingill
Kavita Mathur

Jeffrey Lynn Miller
Rebecca Anderson Morrow
Charlcie Dale Morris
Brandy Robertson Palmer
Michael David Perkins
Irma Abigail Ramirez
Amanda Buie Rice
Becca Nicole Rogers
John Wolford Roy, III
Tahlia Cierra Salemi
Taylor D. Shafferman
Zakiya Rozelia Standifer
Lyonell Dodd Surratt
James L. Thornhill, Jr.
Helen Renee Tipler
Sara Jane Tovar
Connie J. Vazquez
Sheila Barton Wheeler
Sheryll Ann Wickizer
Allen Jacob Williams
Kayla Marlene Williford
Scott Antonio Woodard, II

REINSTATEMENTS

William G. Barkley
Benny D. Boggs, Jr.
Shannon Gibson
Karyn Leigh Goins
Cynthia Jacks Jones
Trent Dennis Maxfield

CERTIFIED RESPIRATORY THERAPISTS

NEW LICENSES

Jonathan Lynn Bennett
Katherine Hargis Chase
James Michael Creighton
Annette Rae Fifer
Quankeshia Dawanda Hodges
Erin Nichole McGuire

Britney Madison May
Bijo T. Joseph
Tamara Gail Nicosia
Misty Mathes Phillips
Ashley Nichole Piatt
Tammy Jean Rose

Jennifer Michelle Seagroves
Amy Lynette Seaman
Lennie Joyce Smith
Melissa Dawn Trimm
Cynthia Michelle Williams

REINSTATEMENTS

Patricia Hill Epperson
Angela Denise Grisham

Administrator’s Report

As of November 17, 2014, the numbers of active licensees were:

- RRT—3274
- CRT—1569
- RCA—12

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

RRT	CRT
New licenses—66	New licenses—17
Reinstated—6	Reinstated—1
Retired—4	Retired—8
Failed to Renew—29	Failed to Renew—35

497 practitioners renewed during this period with 365 renewing online.

Adjournment

There being no further business, the meeting was adjourned at 1:10 p.m.

These minutes were ratified at the February 12, 2015 board meeting.