

Board of Respiratory Care Minutes

- Date:** November 17, 2016
- Time:** 9:00 a.m. C.S.T.
- Location:** Iris Conference Room
Ground Floor
665 Mainstream Drive
Nashville, TN 37243
- Members Present:** Anna Ambrose, Board Chair
Lisa Caldwell, RRT, Secretary
Winston Granville, RRT
Kimberly Christmon, RRT
Troy Hamm, RRT
L. Gail Braddock, Consumer Member
- Members Absent:** John Schario, Hospital Administrator
Jeffrey P. McCartney, MD
- Staff Present:** Michael Sobowale, Unit Director
Mary V. Webb, Board Administrator
Tracy Alcock, Assistant General Counsel
Nichelle Dorroh, Disciplinary Coordinator, Office of Investigations
Noranda French, Finance Officer
- Guests Present:** Mike Harkreader, TnPAP Executive Director
John Williams, Tennessee Society for Respiratory Care Representative

Ms. Webb conducted a roll call of members present. A quorum being present, Anna Ambrose, Board Chair, called the meeting to order at 9:09 a.m.

Approval of Minutes

A motion was made by Ms. Caldwell, seconded by Mr. Hamm, to approve the minutes of the November 17, 2016 meeting. The motion carried.

Office of General Counsel

Tracy Alcock, Assistant General Counsel, presented the office of General Counsel report to the Board:

Conflict of Interest

Ms. Alcock discussed the board's conflict of interest policy. She reminded members of their obligation to recuse themselves from any matter in which they might have a personal or financial interest, or from participating in any matter in which there might be an appearance of a conflict in any contested case, a rulemaking issue or any other board decision. Board members are required to disclose such existence or appearance of a conflict to the Board so that a decision may be made regarding the need for recusal.

Rules

The Board's rule changes regarding continuing education had an effective date of November 26, 2015, requiring twelve (12) hours annually of continuing education. The board will begin the monitoring process for the twelve (12) hours by the year end in December 2016, with audits starting on January 1, 2017.

Litigation

OGC currently has two (2) open cases pertaining to the Respiratory Care Board. There is one (1) Agreed Citation to present.

Agreed Citation

Nicole Black, LCRT #4532

Ms. Alcock presented an Agreed Citation on Nicole Black, CRT, #4532. Ms. Black signed an Agreed Citation for failure to obtain the required amount of continuing education hours from 2013 and 2014. Ms. Black was assessed a civil penalty in the amount of three hundred dollars (\$300.00) and must make up the deficient number of continuing education hours and an additional five (5) penalty hours of continuing education, to which she has already complied.

A motion was made by Mr. Hamm, seconded by Ms. Christmon, to accept the Agreed Citation as presented. The motion carried.

Investigative/Disciplinary Report

Nichelle Dorroh, Disciplinary Coordinator in the Office of Investigations presented the Investigative and Disciplinary reports as follows: There are currently no open investigations for Registered Respiratory Therapists and two (2) open investigations for Certified Registered Therapists in the Office of Investigations. Twenty-three (23) practitioners under Board Order are currently being monitored for compliance.

Financial Report

Noranda French, Finance Coordinator, gave a report to the Board on the financial statement for fiscal year ending for June 30, 2016. Total direct expenditures for FY 2016 were \$146, 781.38. The total allocated expenditures were \$76, 690.36 and the grand total expenditures were \$223,471.74. The Board fee revenue was \$311,845.00 and the current year net was \$88,373.26, with a total cumulative balance of \$994,109.56.

With regards to the total cumulative balance, Ms. French stated she would prepare a proposal containing various scenarios for renewal fee reduction to be considered at the next scheduled board meeting in February 2017.

Tennessee Professional Assistance Program Report (TnPAP)

Mike Harkreader, TnPAP Executive Director gave the following report:

Statistics from July 1, 2015 through June 30, 2016

Monitoring	5
Monitoring Type - Involuntary	3
Monitoring Type - Referral Source - TDOH	2
Employer Referral	2
TDOH Referral	2
File Closure – Evaluated; declined recommendations	0
Monitoring complete	0
Monitoring Agreement Noncompliance	1

Board Administrator Report

Ms. Webb presented the administrative report with the following statistical information as of November 14, 2016:

Active Respiratory Therapists

- RRT—3518
- CRT—1402

- RCA—11

Board licensure activity totals from August 22, 2016 through November 14, 2016:

RRT	CRT
New applications received- 67	New applications received-7
New licenses issued—80	New licenses issued—11
Number of renewals-paper-75	Number of renewals-paper-40
Number of renewals online-317	Number of renewals online-117
Reinstatements—2	Reinstatements—5
Number of licensees who retired—4	Number of licensees who retired—7
Expired—39	Expired—38
Closed Files -NA	Closed Files-NA

She reported that the number of RRTs renewals processed online during this period constituted a usage rate of 81%. For CRTs, the number of online renewals constituted a usage rate of 75%.

There was no Tennessee Student Assistance Corporation (TSAC) license suspension due to student loan default to report and two (2) TSAC license suspensions were lifted during this reporting period as follows:

Joy Massingill, RRT # 5874

Katherine Worley, CRT # 5380

There was no license suspension for Child Support Default Order to report to the board during this period.

In response to information requested by the board at the August 25, 2016 meeting on the trend in the number of Certified Therapists licensed relative to Registered Therapists within the past five (5) years, Ms. Webb presented a statistical report showing a steady increase in the number of those licensed in the Registered Respiratory Therapist category and a decrease in the number of Certified Respiratory Therapist category within the same time period.

Applicant Interview/File Review

1. **Desirae Daddato** – Ms. Daddato is an applicant for a Registered Therapist license by reciprocity. Ms. Daddato was not present. Her application file was presented to the Board due to a criminal conviction for the offense of Entering Property-After Notice which appeared on her criminal background check. After discussion, a motion was made by Mr. Granville, seconded by Ms. Caldwell, to approve Ms. Daddato for a license. The motion carried.
2. **Paige Gregory** – Ms. Gregory is an applicant for a Registered Therapist license by examination. Ms. Gregory was present to answer questions from the Board. Mr. Granville

recused himself from the hearing on her matter. Ms. Gregory appeared before the Board due to an arrest and conviction for a charge of Driving under the Influence (DUI) which appeared on her criminal background check. After interview and discussion with the board, a motion was made by Ms. Caldwell, seconded by Mr. Hamm, to approve Ms. Gregory for a license with no restrictions. The motion carried.

3. **Charles Kelley** – Mr. Kelly is an applicant for a Registered Therapist license by reciprocity. Mr. Kelley was not present but indicated he would be available by telephone to answer questions from the Board. His application file was presented to the Board due to discovery in his application file that official transcripts of his respiratory therapy education was not available from the respiratory school of graduation. The school closed down in 1976. Mr. Kelley provided the board with a copy of his certificate of completion, as well as an original letter from a school official who was one of the respiratory therapy program instructors when the school was in operation. After discussion, a motion was made by Mr. Granville, seconded by Ms. Caldwell, to grant Mr. Kelley a license. The motion carried.

4. **Millicent Musselwhite** – Ms. Musselwhite is an applicant for a Registered Therapist license by reciprocity. Ms. Musselwhite was present to answer questions from the Board. She appeared before the board due to multiple past arrests and criminal convictions related to Driving under the Influence of Alcohol (DUI) which appeared on her criminal background check. After interview with Ms. Musselwhite and a discussion by the board, a motion was made by Mr. Granville, seconded by Ms. Christmon, as follows: as a precondition to Ms. Musselwhite's possible licensure, she must undergo an evaluation approved by the Tennessee Professional Assistance Program ("TnPAP") and submit the results of the evaluation to the Board. If the results of the TnPAP approved evaluation recommend monitoring, then she must sign a TnPAP monitoring agreement and maintain 100% compliance with its terms for the duration of the agreement and also maintain the advocacy of TnPAP until the completion of the monitoring agreement and any amendments thereto. Additionally, Ms. Musselwhite was ordered to reappear before the Board to discuss the results of the TnPAP evaluation before the board can decide whether to grant her a license. The motion carried.

5. **Ashley Page** – Ms. Page is an applicant for a Certified Respiratory Therapist license by reciprocity. Her application file was tabled from the August 25, 2016 board meeting, in order to give her an opportunity to appear before the board to answer questions related to multiple past arrests and criminal convictions which appeared on her criminal background check. Ms. Page had answered "NO" to the question of a prior criminal conviction other than a minor traffic violation on her application. She was present to answer questions from the Board. After interview with Ms. Page and discussion, a motion was made by Mr. Granville, seconded by Ms. Caldwell, to issue Ms. Page a license with no restrictions. The motion carried.

Ratifications

Mr. Granville made a motion, seconded by Ms. Caldwell, to approve the list of newly licensed and license reinstatements for certified and registered respiratory therapists. The motion carried.

REGISTERED RESPIRATORY THERAPISTS

New Licenses

Adkins, Samantha
Baird, Kristen
Baker, Monica
Barrett, Tori Page
Baxter, Sara
Begley, Tommy
Birmingham, Julie
Bishop, Heather
Bobo, Gwendolyn
Caperton, Lauren
Carr, Christina
Christopher, Laine
Colletti, Robert
Counts, Sonja
Denney, Hannah
Despain, Naomi
Dewey, Susan
Ellis, Milton
Fleurimon, Hollenda
Gilbreath, John
Giles, Sharon
Gregory, Kaneika
Hall, Desiree
Hamilton, Jeffrey
Hardy, Joshua

Hickman, Amanda
Hunt, Natalie
Ingram, Mark
Isley, Amanda
Ismail, Diyar
Jackson, Elizabeth
Jones, Britney
Joseph, Derrick
Karimi, Sara
Keeling, Whitney
Keith, Sydney
Kemp, Audrey
Landers, Stephanie
Matheson, Lindsey
Mcclareen, Casey
Michael, Sarah
Mitchell, Mary Ruth
Musa, Busra Mustafa
Odijie, Ivan Ehiremhen
Outz, Brett Walton
Parish, Constance
Perry, Kristen Danae
Petty, Whitney
Pevey, Ashley Nicole
Philpot, Karri Ann

Pittman, Sharee
Potts, Breanna
Pryor, Janese
Puckett, Ashley
Ramsay, Artley
Roy, Nicole
Royal, Kristen
Saylor, Tammy
Schumann, Brittany
Seals, Whitney
Sellers, Seth Nolan
Sexton, Autumn
Shelton, Johnathan
Small, Ciara
Smith, Janelle
Sowder, Kaitlyn
Starr, Benjamin
Stickler, Ian
Susong, Katlyn
Taylor, Latoyia
Terry, Janice
Tippitt, Doreen
Varnell, James
Vasquez, Annelise
Smith, Michael

Watkins, Deja
Williams, Teresa
Witty, Margaret
Woods, Charles
Younger, Kristen

Reinstatement (s)

Pugh, Brian
Wellman, Latrina

CERTIFIED RESPIRATORY THERAPISTS

New Licenses

Anderson, John
Edmondson, Bruce
Gibson, Megan
Goodman, Misty
Lee, Christopher
Lee, Lillian
Matheny, Jessica
Parkins, Cindy Jo
Shelton, Johnathan
White, Judy
White, Rosalind

Reinstatement (s)

Belcher, Andrea
Davis, Brian
Frey, Stephanie
Khan, Philip
Winbush, Janett

Legislation

There was no new legislation to report at this board meeting.

Conferences

A motion was made by Ms. Christmon, seconded by Mr. Hamm, to approve Mr. Granville, Mr. Hamm, and Ms. Caldwell to attend the Federation of Association of State Regulatory Boards (FARB) conference in San Antonio, TX from January 26 – 29, 2017. Another motion was made by Ms. Caldwell, seconded by Mr. Hamm, to include Mr. Sobowale and Ms. Alcock in the list of those approved to attend the conference, subject to their availability. The motion carried.

Report (s) from Conferences Last Attended

Mr. Granville attended the American Association for Respiratory Care (AARC) Congress in San Antonio, Texas from October 15-18, 2016. He informed the board that he found the meeting very informative, especially in the area of new technologies being deployed in the practice of respiratory care. Professionally, he was glad to have the opportunity to participate in discussions touching on what other jurisdictions are doing, some of which he found the Board has already dealt with, especially on the topic of PICC Line insertion and ECMO by RTs. There was also a report that it was the goal of AARC to have a Bachelor's degree as the minimum entry level by the year 2020.

Tracy Alcock, board advisory attorney, attended the Council on Licensure, Enforcement and Regulation (CLEAR) Annual Educational conference from September 14 -17, 2016 in Portland, Oregon. She reported that she found attending the conference an enriching experience. She attended a session on legal issues surrounding regulation, as far as prioritizing between prosecution of cases with criminal elements and strict administrative violation cases. She also attended a session where the responsibility of licensees outside of the practice setting was discussed. She reported she gained a lot of helpful tips during discussion of the latest emerging issues in the arena of health regulation with other international attendees.

Discuss Old and New Business

1. Surplus Reduction – The Board discussed a possible rule making hearing in order to reduce the board's total cumulative balance. Although, a renewal fee reduction just occurred in February 2016, the Board is concerned that it is not enough to help reduce the surplus. The Board would like for a discussion about fee reduction to be placed on the February 16' 2017 agenda.

The Board also discussed the possibility of presenting a continuing education course to licensees as a way of utilizing the surplus. Ms. Alcock suggested to the Board that it may be possible for members to present a continuing education course the day of a board meeting, prior to the start of the meeting, or immediately following the board meeting.

2. Scope of Practice – ECMO – Pursuant to discussion on this topic at the August 25, 2016 meeting, Ms. Ambrose presented a working draft of a position statement that the Board can consider stating that ECMO is within the scope of practice of respiratory care. Ms. Alcock suggested using Ms. Ambrose's document as a working draft for this meeting. She later passed out the AARC position statement on ECMO. It was suggested the board work to combine both documents into a single position statement which can be adopted as the Board's position statement. After review and discussion by the Board, with suggestions for amendments made to Ms. Ambrose's draft statement, it was requested that a finalized version of the draft position statement be presented at the February 16' 2017 meeting for adoption. Once ratified, this position statement will be posted on the Board's website.

Adjournment

There being no further business, the meeting was adjourned at 11:50 A.M.

Anna Ambrose, Chair

Date

These minutes were ratified at the February 16, 2017 board meeting.