

Board of Respiratory Care Minutes

Date: August 20, 2020
Time: 9:00 AM Central Time
Location: Iris Conference Room/
WebEx Conference

Members Present: Lisa Caldwell
Kimberly Christmon
Ray Davis
Robert Farmer(Call-In)
Gary Keith Lovelady, MD
Curtis Powell
Craig Rooks

Member(s) Absent: Linda Gail Braddock

Staff Present: Kimberly Wallace, Unit Director
Lyndsey Boone, Board Manager
Lacey Wilkerson, Board Administrator
Maria Johnston, Board Administrator
Samuel Moore, Senior Associate General Counsel

Guests Present: Tessa Philips, TnPAP
Lori Leonard, Disciplinary Coordinator
Susan Parsons, TSRC

Call to Order

Mr. Powell called the WebEx meeting to order at 9:00 A.M. With a quorum being present, Mr. Powell began the meeting.

Kimberly Wallace conducted roll call to ensure all board members were present and their audio and microphones were working properly and all Board Member and Staff were able to hear one another. After explaining the reason for holding the meeting electronically and the purpose of the meeting, Dr. Lovelady made a motion to proceed with the meeting electronically, Mr. Davis seconded. Motion Carried

Ms. Wallace confirmed that all Board Members had received the meeting materials for review, and also explained to the Board the criteria for holding a teleconference meeting. Mr. Powell made a motion that the subject matter requires timely action, and physical presence of all Board Members is not possible today, and the participation by electronic means is necessary, thus the criteria for a teleconference meeting has been met, Mr. Davis seconded. Motion Carried

Call for Comments

Ms. Wallace made an announcement calling for any audience member with questions, or comments on this meeting's agenda, to raise their hand in the attendee section next to their name or send a chat message to the Host and they would be given the opportunity to be heard by the Board.

Approval of Minutes

The May 14, 2020, minutes were presented to the Board for review and approval. Ms. Caldwell made a request to change Mr. Caldwell to Ms. Caldwell on the ratification section. Ms. Caldwell made a motion to approve the minutes with this change, Ms. Christmon seconded. Motion carried.

Conflict of Interest

Mr. Moore reminded the Board about the Conflict of Interest Policy. He 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 before the Board in which there might be an appearance of a conflict.

Legislative Report

Patrick Powell, with the office of Legislative Affairs, presented the following legislation that has been recently passed and that is pertinent to the Respiratory Care Board:

Public Chapter 594

This act was the Department of Health's Licensure Accountability Act. The bill allows all health-related boards to take action against a licensee that has been disciplined by another state for any acts or omissions that would constitute grounds for discipline in Tennessee. The law also expands available emergency actions, allowing actions beyond simply a summary suspension. Finally, the act establishes that the notification of law changes to health practitioners can be satisfied by the online posting of law changes by the respective boards. Notice must be maintained online for at least 2 years following the change. This act took effect March 20, 2020.

Public Chapter 738

This act prohibits a governmental entity from authorizing destruction of public records if the governmental entity knows the records are subject to a pending public record request. Prior to authorizing destruction of public records an entity must contact the public record request coordinator to ensure the records are not subject to any pending public record requests. Records may still be disposed

of in accordance with an established records retention schedule/policy as part of an ordinary course of business as long as the records custodian is without knowledge the records are subject to a pending request. This act took effect on June 22, 2020.

Mr. Powell informed the Board that legislation is still pending on the telehealth bill.

Office of General Counsel Report

Samuel Moore, Senior Associate General Counsel, presented the Office of General Counsel (OGC) report as follows:

There are currently six (6) open cases in the Office of General Counsel under review. These cases are in various stages of litigation but none are set for trial.

Mr. Moore provided an update on the pending rule change for Delivery of Respiratory Equipment; Rulemaking has passed the governor's office and should be ready by November. Mr. Moore discussed the Governor's Executive Order and subsequent Commissioner's Policy that will allow individuals to obtain online CE to replace live hours for 2020.

A discussion was held between legal counsel and general counsel in regards to the RRT and CRT downgrades/denial of renewals discussed at the May 2020 board meeting. OGC has reviewed all rules and statutes and are not currently able to support the downgrading of licenses due to not holding current NBRC. That the rule is only designed for the initial license of applicants. Rooks voiced his concern about individuals not maintaining their NBRC. Christmon clarified that the NBRC requires updated credentials to use the RRT or CRT title with their name. Ms. Caldwell made a motion to make a rule amendment to require licensees to hold an active NBRC to obtain and maintain their license status. Mr. Rooks Seconded. Mr. Farmer abstained from voting. Motion Carried.

Consent Orders

Samuel Moore presented the following Consent order to the Board for approval:

Michele Serkez- Case number 201904056

While employed at West Meade Place Rehabilitation and Healthcare Center, the Licensee failed a field sobriety test on or about October 24, 2018. Licensee plead guilty to the misdemeanor of reckless endangerment on or about May 6, 2019. Due to her conviction, licensee has violated the Tennessee Respiratory Care Practitioner Act. Licensee was found to be in violation of:

TENN CODE ANN. 63-27-112:

- (a)(2)- Immoral, unethical, unprofessional and dishonorable conduct;
- (a)(3)- Habitual intoxication or personal misuse of narcotics, controlled substances, controlled substance analogues or any other drugs or the use of alcoholic beverages or stimulants in such manner as to adversely affect the person's ability to practice respiratory care; and
- (a)(11)- Any other unprofessional or unethical conduct specified in the rules of the board.

Licensee's license has been placed in a retired status with the understanding that the voluntary retirement has the same effect as a revocation and has been ordered to pay the cost of prosecuting this case, pursuant to TENN. CODE ANN. 63-1-144, up to the amount of \$500.00.

Mr. Farmer made a motion to approve the consent order, Mr. Rooks seconded. Motion Carried.

Agreed Citations

Samuel Moore presented the Agreed Citations to the Board for approval:

Erika Barnett- Agreed Citation presented for non-compliance of continuing education for calendar years 2017-2018. Licensee failed to complete 6 continuing education hours including patient safety and ethics in 2017, and 5 continuing education hours including patient safety and ethics in 2018. Licensee agreed to pay a fine of \$300.00 and requirements to complete the 11 missing hours and an additional 5 hours related to the practice of Respiratory Care. Licensee also agrees that this will appear as a disciplinary action against their license. Ms. Caldwell made a motion to accept. Ms. Christmon seconded. Motion Carried.

Kirstie Bennard- Agreed Citation presented for non-compliance of continuing education for calendar year 2017. Licensee failed to complete 1 continuing education hours for ethics in 2017. Licensee agreed to pay a fine of \$300.00 and requirements to complete the 1 missing hour and an additional 5 hours related to the practice of Respiratory Care. Licensee also agrees that this will appear as a disciplinary action against their license. Ms. Christmon made a motion to accept. Mr. Farmer seconded. Motion Carried.

Tobi Crowley- Agreed Citation presented for non-compliance of continuing education for calendar year 2015. Licensee failed to complete 10 continuing education hours in 2015. Licensee agreed to pay a fine of \$300.00 and requirements to complete the 10 missing hours and an additional 5 hours related to the practice of Respiratory Care. Licensee also agrees that this will appear as a disciplinary action against their license. Ms. Caldwell recused herself. Mr. Rooks made a motion to accept. Mr. Davis seconded. Motion Carried.

Bradford London- Agreed Citation presented for non-compliance of continuing education for calendar year 2017-2018. Licensee failed to complete 12 continuing education hours including patient safety and ethics in 2017, and 5 continuing education hours including patient safety and ethics in 2017. Licensee agreed to pay a fine of \$300.00 and requirements to complete the 17 missing hours and an additional 5 hours related to the practice of Respiratory Care. Licensee also agrees that this will appear as a disciplinary action against their license. Ms. Caldwell made a motion to accept. Mr. Rooks seconded. Motion Carried.

Ashley Page- Agreed Citation presented for non-compliance of continuing education for calendar year 2017-2018. Licensee failed to complete 24 continuing education hours including patient safety and ethics in 2017-2018. Licensee failed to complete 12 continuing education hours including patient safety and

ethics in 2017, and 12 continuing education hours including patient safety and ethics in 2018 Licensee agreed to pay a fine of \$300.00 and requirements to complete the 24 missing hours and an additional 5 hours related to the practice of Respiratory Care. Licensee also agrees that this will appear as a disciplinary action against their license. Ms. Christmon recused herself. Mr. Farmer made a motion to accept. Ms. Caldwell seconded. Motion Carried.

Investigative/Disciplinary Report

Lori Leonard, Disciplinary Coordinator, for the Office of Investigations, presented the investigative and monitored disciplined practitioners report as follows: For the monitored disciplined practitioners, there are four (4) practitioners under probation, three (3) under suspension, four (4) revocations, six (6) surrenders and one (1) child support order to report.

So far in the year 2020, the Office received six (6) RRT complaints; two (2) for lapsed license, one (1) for criminal convictions and three (3) continuing education violations. Investigations has closed zero (0) complaints, currently there are nine (9) open complaints under review at this time.

So far in the year 2020, the Office received five (5) CRT complaints; five (5) continuing education violations. Investigations has closed zero (0) complaints, currently there are five (5) open complaints under review at this time.

So far in the year 2020, for Respiratory Care Assistants, there is one (1) new complaint; one (1) continuing education violations. Investigations has closed zero (0) complaints, currently there are one (1) open complaints under review at this time.

Financial Report

The end of fiscal year reports are not available at this time, and are anticipated for the next meeting.

Tennessee Professional Assistance Program Report (TnPAP)

Teresa Phillips, TnPAP Representative, presented the Board’s activity report from July 1, 2019, to June 30, 2020, as follows:

Monitoring- Non-regulatory	2
Monitoring Closed - Agreement Noncompliance	0
Referrals - from TNDH.	0
Agreements Activated	1
Closed Cases	0
Pending Evaluation Report	

Ms. Phillips also informed the Board that TnPAP has recently become an independent non-profit organization and is no longer under the Tennessee Nursing Foundation. They are now known as TnPAP,

Inc. They will begin meeting as a Board in 2021 and have asked for someone to serve as a board member for policy and oversight purposes.

Administrative Report

Lacey N. Wilkerson, Board Administrator, presented the administrative report as follows:

Statistical Report

The following are the total active licensees as of August 11, 2020:

RRT	CRT	RCA
Active Licensees – 3758	Active Licensees – 1233	Active Licensees – 4

Licensing activities from April 27, 2020 through August 11, 2020:

RRT	CRT
New applications received – 21	New applications received – 11
New licenses issued – 57	New licenses issued – 19
Reinstated – 19	Reinstated – 10
Registered Poly Endorsement(s) – 0	Certified Poly Endorsement(s) – 0
Number of renewals – paper – 87	Number of renewals – paper – 27
Number of renewals online – 378	Number of renewals online – 110
Number of licensees who retired - 8	Number of licensees who retired – 6
Number of licenses that expired – 0	Number of Licenses that expired – 0
Closed Files – 0	Closed Files - 1
Upgrades from CRT to RRT- 0	NA
RRT Limited Permit to Full License – 24	CRT Limited Permit to Full License- 5

For RRTs, the number of renewals online during this period constituted a usage rate of 81%. For CRTs the number of online renewals constituted a usage rate of 80%

2020 Meeting Dates:

November 12, 2020

As of October 1, 2019, maximum lodging for Davidson County increased to \$223.00, other reimbursements remain the same.

Upcoming Conferences

Annual Clear Conference September 21-25, 2020	Virtual Meeting
AARC Annual Congress November 14-17, 2020	Canceled
FARB 2020 Regulatory Law Seminar October 1-3, 2020	Virtual Meeting.

Susan Parsons provided an update on the TSRC annual meeting set for November 9-10, 2020 in Memphis, TN. According to Ms. Parsons, at this time the meeting is still scheduled as normal but could change depending on the venue's ability to implement social distancing.

Applicant Interviews/File Review

Christopher Alexander- Applicant was not present. Applicant's file appeared before the Board during the May 14, 2020, Board Meeting for approval due to surrender of a license previously held in another state. It was the decision of the Board at this meeting that prior to issuing a license to practice in Tennessee the applicant must first:

1. Provide documentation of the complaint filed in the previous state.
2. Provide proof of reinstatement of license in previous state.
3. Provide a letter from the employer at the time attesting to the incident that occurred.
4. Provide an updated criminal background check with any required disposition papers.
5. Undergo a mental health and alcohol abuse evaluation with TnPAP (Tennessee Professional Assistance Program).

Notification of the Board's requirements were mailed to the individual on May 14, 2020. As of the date of the current meeting no documentation has been received from the individual showing that the set criteria had been met. Notice of this meeting was sent to the applicant with no response received.

Mr. Powell made a motion to expire the applicant's file as of August 20, 2020. Mr. Rooks seconded. Motion Carried.

Ratifications

Mr. Caldwell made a motion to approve, with a second by Ms. Christmon, to ratify the list of New Licenses. Motion Carried.

Mr. Rooks made a motion to approve, with a second by Ms. Caldwell, License Reinstatements for Certified Respiratory Therapists and Registered Respiratory Therapists. Motion carried.

Dr. Lovelady made a motion to approve, with a second by Ms. Caldwell, to ratify the list of Closed Files. Motion carried.

New Licenses

RRT

Alghulam Ali Radi J
Atkinson Samuel
Brock Mark Allen
Cantrell Mark Anthony
Chakrin Steven Michael
Cortinez Kimberly
Craycraft Frances Nicole
Davenport Jean Ann
Deloach Christal
Dixon Brittany
Douglass Andre Jr
Fleenor Holden Clay RRT
Floyd Marlon
Ford John Timothy Jr
Franklin Charity
Hicks Erica
Hoffman Desiree
Jennings Donna Ruth Ms.
Johnson Ashley Patrice
Johnson Shyvuna
Johnson Stormy Nicole
Jones Cynthia Lynn
Kaur Harjinder
Kiser Natasha Lynn
Krinock Lindsay
Lankowski Hunter Mr.
Legorreta Matthew R
Massey Cynthia R
Mattingly Madison Mrs.
Mcperson Beverly Jean
Mobley Karen Lawson
Morales Audrey
Morehart Sarah Elaine
Muncy Sarah Jessica
Nelson Brandi Lynn
Perrin-Riedel Pamela
Perry Bobbie Ms.
Putt Kayla
Ramadan Ibraheem

Ratliff Devon
Ristich Rae Lynn
Savani Razia Begum
Scarborough Angela Sue Mrs
Segar Joel Mr.
Serratos Angelita
Shorter Brooke
Spangler Matthew
Stepp Roy Timothy
Townsend Roderick Calvin
Trout Rebecca
Verhagen Rachel Christine
Weagle Benjamin Robert
Webber Sherry Marie
Willis Alicia Maureen
Wilson Amber Atlee
Henzman Jordan Kendal
Totakhail Maryam
Bell Tevauna Lachelle
Brown Zachary
Bush Kristel Marie
Campbell Courtney M
Cantwell Whitney
Cole Virginia Louise
Goodman Jordan
Greenfield Morgan
Hargrove Kinsley Beth
Huey Tammy
Langford Kenlie Bree-Ann
Mcbryar Haleigh Lace
Murray Cheyenne
Nguyen-Clark Jenny Chiem Mrs.
Payne Joshua Thomas
Potts Janna
Rathgeber Jonathan William
Rubert Hope
Russell Kaitlyn
Sandoval Claire Elizabeth
Sharpley Ashley
Tritt Matthew Kirby
Vickery Ansleigh
Walker Hannah Raine

CRT

Adkins Timothy Mark

Crockett Kizzy
Cunningham Debria Renee
Davis Lemetric
Durako Paul
Kurtovic Selma
Lombardi Richard Anthony
Parton Hayley Nicole
Penley Mollie
Russell Adara Jewel
Smith Tonya L
Thibodeaux Tia
Johnson Stormy Nicole
Levasseur Cassandra Leah
Mattingly Madison Mrs.
Weagle Benjamin Robert
Williams Daniel Austin

Reinstatements

Belk Katie Camper
Bowling Michael L
Boykin Kathy Renee
Claud Elizabeth W.
Gamble Vincent Keith
Havard Joshua John
Hopkins Kevin M. RRT DIR
Hopper Larry J DIR
Mindermann Carol Ann
Pangilinan Ana De Leon
Perry Brittany Megan
Sergent Sasha N
Silas Christy Frakes
Tiller Victor Claude
Wynne David W.
Alexander Gary M
Brooks Georgette E.
Dawson Matthew Lee
Dennis Kimberly Hawks
Flowers Walter Crawford
Greer Derrell W
Hurt Ginger Cauble
Moore Kiwjuana Lashae
O'Connor Robin Manuel
Wilson Melissa Anne
Bologna Peggy Q
Haynes Christi B

Mahoney Rebecca Ann
Wagner Margaret-Ann Vaughan

Polysomnography Endorsement

None

Work Permit Issued

Carter Tracy Lenora
Davis Danielle Cindra Ms
Ellis Leah
Eyob Luwam
Griggs Jocelyn
Hasan Kamuran
Henley Stephanie S Ms.
Kopinski Danielle May
May Amber
Mccracken Mason
Moorehead Jennifer Marie Mrs.
Mullinax Adam Dewayne
Neal Rita Mrs
Probst Robert Michael
Robertson Amber
Schmidt Heather M
Shehata Sandy S
Siekpe Emelia Anyala RRT
Urban Bailey Jordan
Valencia Monica
Boles Madison Kay
Grayson Timothy Paul
Ledford Logan
Ricks Kaylee Erin Mrs.
Stike Christina

Closed Files

Griggs Jocelyn

Correspondence

There were no correspondence items to discuss.

Discuss Old and New Business

A motion was made by Dr. Lovelady for Mr. Powell to attend the TSRC meeting. Ms. Caldwell seconded. Motion Carried.

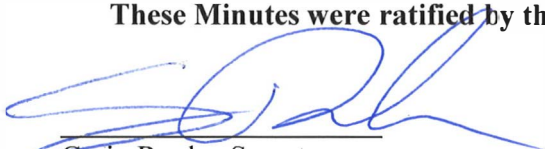
Call for Public Comment

Ms. Wallace made a final call for Public Comments, once again reminding all attendees of their ability to click the “raise hand” icon on their screens or to submit a comment or request to comment via the chat box. None were heard.


Adjournment

There being no further business, Ms. Caldwell made to adjourn the meeting, Ms. Christmon seconded. Motion Carried. The meeting was adjourned at 11:51 AM.

These Minutes were ratified by the TN Board of Respiratory Care on November 12, 2020.



Craig Rooks, Secretary



Date