

## **Board of Respiratory Care Minutes**

**Date:** November 12, 2020

**Time:** 9:00 AM Central Time

**Location:** WebEx Conference  
665 Mainstream Dr.  
Nashville, TN 37243

**Members Present:** Kira Anderson (late arrival)  
Kimberly Christmon  
Ray Davis  
Robert Farmer  
Gary Keith Lovelady, MD  
Curtis Powell, Board Chair  
Craig Rooks, Board Secretary  
Linda Gail Braddock

**Member(s) Absent:** None

**Staff Present:** Kimberly Wallace, Unit 3 Director  
Lyndsey Boone, Board Manager  
Lacey Wilkerson, Board Administrator  
Maria Johnston, Board Administrator  
Samuel Moore, Senior Associate General Counsel

**Guests Present:** Mike Harkreader, TnPAP  
Lori Leonard, Disciplinary Coordinator  
Alicia Grice, Fiscal Director

### **Call to Order**

Ms. Wallace began the meeting by welcoming new Board member Kira Anderson. Ms. Anderson is replacing Ms. Lisa Caldwell. Ms. Wallace thanked Ms. Caldwell for her service time on the Board.

A roll call was conducted to ensure a quorum:

- Ms. Kira Anderson (late arrival)
- Ms. Linda Braddock

- Ms. Kimberly Christmon
- Mr. Ray Davis
- Mr. Robert Farmer
- Dr. Gary Lovelady
- Mr. Curtis Powell
- Mr. Craig Rooks

Attendance was taken of Administrative and Legal staff:

- Board Manager, Ms. Lyndsey Boone
- Board Admin, Ms. Lacey Wilkerson
- Board Attorney, Mr. Samuel Moore

With a quorum being present, Mr. Powell called the meeting to order at 9:13 AM CST.

A roll call was conducted to ensure all present members and staff were able to hear other individuals.

- Ms. Anderson
- Ms. Braddock
- Ms. Christmon
- Mr. Davis
- Mr. Farmer
- Dr. Lovelady
- Mr. Powell
- Mr. Rooks
- Ms. Boone
- Ms. Wilkerson
- Mr. Moore

### **Necessity of Meeting**

Ms. Wallace informed the Board the purpose of this meeting is to ratify licenses - including new licenses and reinstated licenses - to ratify orders received after the Board's last meeting, and to consider other time sensitive matters.

Because this Board was unable to convene in a physical location today to consider these matters - in light of the COVID-19 pandemic, for which the TN Governor and Mayor of Nashville have recommend limiting the number of attendees at meetings for the next several weeks - this WebEx remote meeting is necessary

A motion was made by Mr. Powell to proceed with the electronic meeting for this purpose, with a second made by Ms. Braddock.

Discussion:  None OR  As Follows

*A roll call vote was conducted.*

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

In addition, all Board Members were asked to acknowledge whether they had received, prior to this meeting, copies of all the materials and documents that were to be discussed at this meeting.

|               |   |  |
|---------------|---|--|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| Dr. Lovelady  | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |

Dr. Lovelady did not receive the documents and requested them to be resent. After confirming receipt, the meeting progressed.

Ms. Wallace informed the Board that only certain matters are proper for a teleconference. A request was made for a motion to confirm all meeting material met the following requirements:

- The subject matter requires timely action;
- The physical presence of all members is not possible considering the period of time required for action; and
- The participation by some or all of the members of the Committee by electronic means is necessary.

A motion was made by Mr. Powell that this meeting does meet these requirements, with a second made by Mr. Davis.

Discussion:  None OR  As Follows

A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

### **Public Comments**

Ms. Wallace informed everyone that Public Comments would be heard during today's meeting. She then gave instructions for making a Public Comment via the WebEx virtual meeting system. There were no comments made at this time. Ms. Wallace also advised that requests, comments, or inquires can be submitted to the Administrative office through mail, phone or email. Ms. Wallace made an announcement of the administrative office phone number of 615-532-5090 and email [unit3hrb.health@tn.gov](mailto:unit3hrb.health@tn.gov).

### **Conflict of Interest**

Mr. Moore reminded the Board of the Conflict of Interest Policy.

If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

Mr. Powell welcomed new Board Member, Ms. Kira Anderson to the Board.

### **Rulemaking hearing**

A Rulemaking Hearing was called to order by Senior Associate General Counsel with the Department of Health's Office of General Counsel, Mr. Samuel Moore.

Agency representatives present introduced themselves:

- ✓ Ms. Kimberly Wallace, Board Director
- ✓ Ms. Lyndsey Boone, Board Manager
- ✓ Ms. Lacey Wilkerson, Board Administrator

It was noted that today, Thursday, November 12, 2020, this rulemaking hearing took place pursuant to Tennessee Code Annotated, Section 4-5-204, in the Poplar Room, 665 Mainstream Drive, Nashville, Tennessee, and online via WebEx software pursuant to Tennessee Executive Order 65.

The purpose of this rulemaking hearing was to solicit comments on rules proposed by the Board of Respiratory Care in order to amend Rules 1300-01-.03 and .09.

Pursuant to T.C.A. §4-5-204, the following is a summary of the factual information on which the amended rules contained in the notice of rulemaking are based:

The Board of Respiratory Care seeks to re-write their rules regarding the delivery of respiratory equipment that a patient will use in the patient's place of residence, and delineates the acts that constitute the practice of respiratory care versus the acts that do not constitute the practice of respiratory care. The Board seeks to amend this rule language to clarify the acts that unlicensed personnel can and cannot perform when the respiratory equipment will be used by a patient in the patient's place of residence. The amendment includes examples of a patient's place of residence.

A rule is defined as an agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements of the agency. Proposed rules are filed with the office of the Secretary of State, notice is given to the public for comment, and a rulemaking hearing is held. Upon conclusion of the hearing and adoption of the proposed rules, the rules are forwarded to the Attorney General's Office for review of legality. If approved, they are filed with the Secretary of State, which is responsible for publication, and the government operations committee of the General Assembly. The rules must stay in the Secretary of State's office for 90 days, the end of which time will be the effective date.

Those members of the public wishing to speak were given the opportunity to sign up to do so at the table by the door on-site, or by indicating through the chat function that they wished to be heard. Only those who signed up or so indicated in the chat function would be permitted to speak. Mr. Moore was responsible for gathering that list and calling the names off that list.

Mr. Moore noted that there were no members of the public present in the room on-site.

The notice of rulemaking hearing included the entire text of the proposed rules and was published on September 1, 2020, on the Tennessee Secretary of State Website.

Ms. Kimberly Wallace, Unit Director was asked to review what forms of additional notice were given to affected individuals or groups, which were as follows:

- A copy of the Rulemaking Notice was posted to the Board of Respiratory Care Calendar of Events website, in conjunction with the Public Notice for today's meeting
- A copy of the Rulemaking Notice was also sent to the Tennessee Society for Respiratory Care (TSRC), in care of TSRC President, Ms. Susan Parsons

Mr. Moore read the substance of the proposed rules into the record:

Chapter 1330-01

General Rules and Regulations Governing Respiratory Care Practitioners

Rule Amendment

Rule 1330-01-.03, Title, is amended by deleting the words "delivery of" and "to a" in the title and adding the words "used by a patient in the" so that as amended the new title shall read:

Respiratory Equipment Used by a Patient in the Patient's Place of Residence.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-27-102, 63-27-104, 63-27-105, 63-27-110, and 63-27-117.

Rule 1330-01-.03, paragraph (1), is amended by deleting the word "When" and replacing it with the language "With respect to," by deleting the language "is delivered and installed in a," and replacing it with the language "used by a patient in the," adding the language "which shall include, but not be limited to, a home residence, private dwelling, nursing home facility, skilled nursing facility, assisted living, hospital, or other place where the patient resides," and deleting the language "because they are part of the administration of medical gasses," and replacing it with the language "regardless of whether the acts are performed in the patient's place of residence or in another setting," and is further amended in subparagraph (d) by adding the language "and infection prevention," so that, as amended, paragraph (1) shall read:

(1) With respect to respiratory equipment used by a patient in the patient's place of residence, which shall include, but not be limited to, a home residence, private dwelling, nursing home facility, skilled nursing facility, assisted living, hospital, or other place where the patient resides, the following acts constitute the practice of respiratory care regardless of whether the acts are performed in the patient's place of residence or in another setting:

- (a) Initial patient assessment;
- (b) Attachment of the respiratory equipment to the patient;
- (c) Ongoing assessment of the patient's response to the administration of the medical gas;

(d) Initial and ongoing instruction and education of the patient (and of the patient's family or other caregiver, where relevant) with respect to the role of the respiratory equipment in managing the patient's disease or condition and infection prevention; and

(e) Recommendation to the physician of needed modifications in the physician's order.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-27-102, 63-27-104, 63-27-105, 63-27-110, and 63-27-117.

Rule 1330-01-.03, paragraph (2), is amended by deleting the word "When" and replacing it with the language "With respect to," by deleting the language "is delivered and installed in a patient's place of residence," and replacing it with the language "used by a patient in the patient's place of residence, as defined in paragraph (1) above," is further amended in subparagraph (c), subpart 1., by adding the language "Oxygen," "pressure regulators/flow controllers to deliver a," "of oxygen," "to the patient through," and "only;" is amended in subparagraph (c), subpart 3., by removing the word "with" and adding the language "to deliver a," "of oxygen," "to the patient through," and "only," is amended in subparagraph (c), subpart 4., by removing the word "with" and adding the language "to deliver a," "of oxygen," "to the patient through," and "only; and," is amended in subparagraph (c), subpart 6., by adding the language "for nasal cannula," is amended in subparagraph (c), by deleting subparts 2., 5., and 7. in their entirety, and is amended in subparagraph (g) by adding the language "but not including the setting of adjustments," so that, as amended, paragraph (2) shall read:

(2) With respect to respiratory equipment used by a patient in the patient's place of residence, as defined in paragraph (1) above, the following acts do not constitute the practice of respiratory care:

(a) Delivery of respiratory equipment and supplies (initial and replacement) to the patient's place of residence;

(b) Assembly of respiratory equipment in the patient's place of residence;

(c) Explanation to the patient of the proper operation and maintenance of the following respiratory equipment:

1. Oxygen cylinders used with pressure regulators/flow controllers to deliver a low flow of oxygen (set at less than 6.00 liters per minute) to the patient through nasal cannula only;

2. Home liquid oxygen systems used to deliver a low flow of oxygen (set at less than 6.00 liters per minute) to the patient through nasal cannula only;

3. Oxygen concentrators used to deliver a low flow of oxygen (set at less than 6.00 liters per minute) to the patient through nasal cannula only; and

4. Humidifiers for nasal cannula.

(d) Initial inspection and assessment of the environment in which the respiratory equipment is to be used;

(e) Exchange of empty medical gas cylinders;

(f) Refilling of liquid oxygen containers; and

(g) Servicing (including repair and maintenance) of respiratory equipment, but not including the setting of adjustments.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-27-102, 63-27-104, 63-27-105, 63-27-110, and 63-27-117.

Rule 1330-01-.03, paragraph (3), is amended by deleting the language "in a patient's place of residence," and replacing it with the language "and to be used by a patient in the patient's place of residence, as defined in paragraph (1) above," is amended in subparagraph (e) by adding the word "and," and is amended by deleting subparagraph (f) in its entirety, so that, as amended, paragraph (3) shall read:

(3) With respect to the following respiratory equipment when delivered and installed, and to be used by a patient in the patient's place of residence, as defined in paragraph (1) above, all acts except delivery, repair and maintenance constitute the practice of respiratory care:

(a) Continuous Positive Airway Pressure Devices;

(b) Bi-Level Positive Airway Pressure Devices;

(c) Ventilators;

(d) Apnea monitors;

(e) High-flow (6.00 liters per minute or higher) nasal cannula; and

(f) All other respiratory equipment not listed in subparagraph (2)(c).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-27-102, 63-27-104, 63-27-105, 63-27-110, and 63-27-117.

Rule 1330-01-.03 is amended by adding a new paragraph (5), so that as amended, new paragraph (5) shall read:



(5) Nothing in paragraphs (1) through (4) shall prohibit any person licensed or certified to practice any of the other health-related professions in this state under any law from engaging in the practice for which such person is licensed or certified.

Authority: TC.A. §§ 4-5-202, 4-5-204, 63-27-102, 63-27-104, 63-27-105, 63-27-110, and 63-27-117.

Rule 1330-01-.09, Renewal of a License, paragraph (2), subparagraph (a), is amended by deleting the language "all past due registration/" and replacing it with the word "the," is amended by deleting the plural "s" and adding the language "pursuant to Rule 1330-01-.06," and deleting the word "and," so that, as amended, paragraph (2), subparagraph (a), shall read:

(a) Obtaining and fully completing the Board's Reinstatement Application and submitting it along with payment of the renewal fee, pursuant to Rule 1330-01-.06, to the Board office;

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-27-102, 63-27-104, 63-27-105, 63-27-109, 63-27-113, and 63-27-116.

Mr. Moore asked if there were any public comments; None were received in-person or online via chat or hand raising, and no comments were submitted in writing prior to the meeting.

This concluded the rulemaking hearing and the comment period.

A motion was made by Mr. Rooks to adopt the Rule packet as written with a second made by Ms. Christmon.

Discussion:  None OR  As Follows

A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

**Approval of Minutes**

The August 20, 2020, Minutes were presented to the Board for review and approval. Mr. Powell made a request to change his attendance from call-in to add his attendance via video as well as audio methods. Ms. Christmon made a motion to approve the Minutes with this change, Mr. Rooks seconded.

A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

**Investigative/Disciplinary Report**

Lori Leonard, Disciplinary Coordinator, in 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, five (5) revocations, six (6) surrenders and one (1) child support order to report.

In the year 2020, the Office received nine (9) RRT complaints; one (1) for falsification of records, one (1) for action in another state, two (2) for lapsed license, one (1) for criminal convictions and four (4) continuing education violations. Investigations has closed zero (0) complaints, currently there are three (3) open complaints under review at this time.

In the year 2020, the Office of Investigations received nine (9) CRT complaints; one (1) for violation of an order, one (1) for criminal conviction, one (1) drug diversion, and six (6) continuing education violations. Investigations closed five (5) complaints, currently there are zero (0) open complaints under review at this time.

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

**Financial Report**

Ms. Wallace introduced the new Fiscal Director, Ms. Alicia Grice, who presented the financial report for Fiscal Year 2020, as follows:

- FY2020 Total Expenditures: \$240,990.45
- FY2020 Total Board Fee Revenue: \$238,811.41
- FY2020 Current Year Net: (\$2,179.08)
- FY2020 Cumulative Carryover: \$1,013,194.68

**Tennessee Professional Assistance Program Report (TnPAP)**

Mike Harkreader, TnPAP Representative, presented the Board’s activity report from July 1, 2020, to September 30, 2020, as follows:

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

**Discuss legislation and take action if needed**

Mr. Moore presented an overview of Public Chapter 4 regarding Telehealth.

**Administrative Report**

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

**PERIOD: As of 11/09/2020**

|                                       |       |
|---------------------------------------|-------|
| <b>Total # Currently Licensed RRT</b> | 3,828 |
| <b>Total # Currently Licensed CRT</b> | 1,195 |
| <b>Total # Currently Licensed RCA</b> | 4     |

**LICENSE STATUS SINCE THE LAST BOARD MEETING**

**PERIOD: August 12, 2020 – November 6, 2020**

|                           | RRT/Registered | CRT/Certified |
|---------------------------|----------------|---------------|
| New Applications Received | 17             | 10            |
| New Licenses Issued       | 65             | 16            |
| Reinstatements            | 8              | 9             |
| Poly Endorsements         | 0              | 0             |
| Renewals - Total          | 473            | 139           |

|  |     |     |
|--|-----|-----|
| Number of Paper Renewals                       | 74  | 32  |
| Number of Online Electronic Renewals           | 399 | 107 |
| Licenses Renewed Online as % of Total Renewals | 84% | 77% |
| Retired Licenses                               | 6   | 8   |
| Failed to Renew/Expired Licenses               | 103 | 72  |
| Closed Files                                   | 6   | 2   |
| Upgrades from CRT to RRT                       | 0   | N/A |
| Limited Permit to Full License                 | 12  | 2   |

The Board asked if at their next meeting, they could see a comparison of the statistics report on a year-over-year basis. Ms. Wallace indicated that the Administrative Office would prepare that report for the February 2021 meeting.

Ms. Wilkerson also presented the dates for the 2021 Board Meetings, as follows:

- Thursday, February 18, 2021
- Thursday, May 13, 2021
- Thursday, August 19, 2021
- Thursday, November 11, 2021 – It was noted by the Board that this proposed date would fall on the Veteran’s Day holiday, thus the date would be changed to Wednesday, November 10, 2021

A motion was made by Mr. Davis to ratify the 2021 Board Meeting dates with November date moved to November 10<sup>th</sup>, with a second made by Ms. Christmon.

Discussion:  None OR  As Follows

A roll call vote was conducted:

As I state your name, please voice your vote on the motion.

(STATE EACH BOARD MEMBER’S NAME)

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

Mr. Powell  YES  NO  RECUSED  ABSTAIN  
Mr. Rooks  YES  NO  RECUSED  ABSTAIN

The motion passed.  YES  NO

Ms. Wallace presented the Board phone & email contact information of 615-532-5090 and [Unit3HRB.Health@tn.gov](mailto:Unit3HRB.Health@tn.gov) as a reminder for anyone who wished to reach the Board.

### **Office of General Counsel Report**

Mr. Moore presented the Office of General Counsel (OGC) report as follows:

There are currently sixteen (16) open cases in the Office of General Counsel under review. These cases are in various stages of litigation but none are set for trial.

### **Consent Orders**

There were no consent orders to present.

### **Agreed Citations**

Samuel Moore presented Agreed Citations to the Board for approval:

**Tony Bennett** - Agreed Citation presented for practicing on a lapsed license from September 30, 2020- October 19, 2020. Licensee agreed to pay \$100.00 per month practiced for a total of \$100.00 and have a disciplinary action on their license.

Ms. Christmon made a motion to approve, Mr. Rooks seconded.

Discussion:  None OR  As Follows

A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

**Jerri Dean Butler**- Agreed Citation presented for non-compliance of continuing education for calendar year 2017. Licensee failed to complete 6 continuing education hours including ethics and patient safety in 2017. Licensee agreed to pay a fine of \$300.00 and requirements to complete the 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.

Mr. Farmer made a motion to accept. Dr. Lovelady seconded.

Discussion:  None OR  As Follows

A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

**Lydia Sui Ni Kim**- Agreed Citation presented for non-compliance of continuing education for calendar year 2018. Licensee failed to complete 5 continuing education hours in 2018. Licensee agreed to pay a fine of \$300.00 and requirements to complete the 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.

Mr. Farmer made a motion to approve. Dr. Lovelady seconded.

Discussion:  None OR  As Follows

A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

Mr. Powell  YES  NO  RECUSED  ABSTAIN  
Mr. Rooks  YES  NO  RECUSED  ABSTAIN

The motion passed.  YES  NO

### Applicant Interviews/File Review

There were no interviews or file reviews.

### Ratifications

Ms. Wallace confirmed that all files on the ratification lists have been reviewed and found complete and in good order according to the Rules for new licensure, reinstatement of license, temporary permits, and the closure of incomplete files.

A motion was made by Mr. Rooks to ratify licensure files as presented with a second made by Ms. Christmon.

Discussion:  None OR  As Follows

A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

### New Licenses

#### RRT

Auffenberg Melissa Ann  
Bannister Danielle Latrice  
Bates Taryn  
Bishop Gregory Paul  
Boman Scott Hunter  
Brewer Cierra Taylor Ms  
Briggs Alexis  
Burns Ashlyn Brooke Mrs.

Clay Danyell Mr.  
Cornwall Robbie  
Cross Ta'Riya  
Cummins Janna Renee  
Cutting Kara  
Daniels Alva Mr  
Davis Danielle Cindra Ms  
Day Chad Lee  
Dennis Kimberly Hawks  
Depriest Jenna Renee  
Dillard Raeven Nicole  
Eisman Natalie Rene Miss  
Ellis Leah  
Ethridge Linda Gail  
Evans Stephanie  
Eyob Luwam  
Felix Kayla  
Floric Stefan  
Foust Sarah Victoria  
Freeland Jenni  
Ganong Brittany  
Gillis Heather  
Griggs Jocelyn  
Henderson Taylor  
Henley Stephanie S Ms.  
Henry William Shawn  
Holt Amanda  
Hood Sarah  
Kopinski Danielle May  
Kosgei Lydia  
Lewis Jonathan  
Lumbard Jessica  
Macdonald Sharon  
Malone Taylor Brooke  
Manus James Allen  
May Amber  
Mcmahan LeYes  
Michael Daphan  
Minsky Jennifer Jean Ms  
Moorehead Jennifer Marie Mrs.  
Moran Stephan Ryan  
Murray Shelby Lynne  
Neal Rita Mrs  
Nicosia Tamara Gail RRT  
Nivens Skyla Nichole  
Norman Felicia Danielle  
Oelkers Bradley James Morris  
Plumlee Ashley  
Reasoner Alexandria



Rigsby Christopher Gage  
Schmidt Heather M  
Sincomb Tyler  
Smartt Jamie Marie  
Smith Anna Lynn  
Steele Lindsay J.  
Steele Richard Benjamin  
Stewart Cris Kramer miss  
Tankersley Breanna Lea  
Taylor Lindsay  
Thies Christina Ann Mrs  
Thurman Christopher Jack  
Urhahn Libby Jo  
Vazquez Noel Mr.  
Wall Heather Michele  
White Karolyn Alexis  
White Rosalind  
Wilson Angel Starr  
Wright Jacoby  
Young Justin Aaron

### **CRT**

Almond Heather Clark  
Bolton Megan Emily  
Collins Austin Mr  
Grayson Timothy Paul  
Harris Bria  
Irvine Mary Ann CRT  
Keathley Kayla Noelle  
Mccubbin Melissa Jean Mrs.  
Passafume Melanie  
Renfroe Tarika Kylisha  
Rosen Christopher Lawrence  
Steele Richard Benjamin  
ThibodeauYes Amber Dawn  
Walker Katelyn Nicole  
Waters Brenda L Miss  
Watkins Aeriell  
Watson Tiffany  
Yarbrough Kaelin

### **Reinstatements**

Allen Katelyn Brook  
Almarode Melissa Murphy  
Bennett Tony W.  
Butler Tamara J  
Cozort Penny Farmer  
Culpepper Michelle K.

Cummings Derrick Douglas  
Guinn Susan Michelle  
Lewis Annette Ellen  
Lubag Roy G.  
Mccord Torina Chevelle  
Miracle Cierra Renea  
Nowell D. Joan  
Renfroe Tarika Kylisha  
Stambaugh Brian Anthony  
Stewart Jeffrey L  
Webb Falola La-Shelle

### **Polysomnography Endorsement**

None

### **Work Permit Issued**

Hill Keanna  
Pipkin Jennifer Suzzette  
Pope Emily  
Miller Brandon

### **Closed Files**

Bennett Alyssa Mrs.  
Callarman Michael  
Dupper Stephanie  
Miller Brandon  
Oliver Heidi  
Zins Sheryl  
Booker Brittany  
Haynes Michael Leigh

### **Correspondence**

Ms. Wallace informed the Board of a letter that was received regarding Usher Syndrome, which was presented for situational awareness and required no action from the Board. Additional information can be obtained by reaching out to the Usher Syndrome Coalition via their website at [www.usher-syndrome.org](http://www.usher-syndrome.org).

### **Conference Reports**

No conference information to report.

### **Discuss Old and New Business**

#### **Old Business – NBRC Use of Credentials**

In the last meeting, it was discussed whether or not a respiratory therapist could continue to use the CRT or RRT credential if it is expired with the NBRC. Board Member, Ms. Christmon,

volunteered to reach out to the NBRC to inquire on this issue. The response from the NBRC, along with their Judicial and Ethics Policies document were provided for the Board's review.

The Board asked - given the guidance provided by the NBRC - since TN licenses individuals as either RRT or CRT, if they lose their NBRC (expired), does that place them at risk because they are still licensed by the Board as RRT or CRT? Mr. Moore noted that trademark law is different from what the state is subject to for healthcare licensing, and believes that there is no recourse in this situation for the Board, but he will do further research.

The Board entertained a public comment from Susan Parsons, TSRC – She believes the issue is that the active credential defined as ABG is linked to the issue with the NBRC, since the ABG endorsement requires active NBRC credentials. All respiratory therapists received a postcard notice from the NBRC explaining this rule.

Discussion continued surrounding this item originally coming about due to the licensure renewal process, and that the rules specifically require an individual to obtain their NBRC credential to obtain a license, but do not speak to maintaining an NBRC credential to renew a TN license.

Mr. Moore confirmed that, regarding use of the CRT/RRT title, this is different than renewing an endorsement. The NBRC is only required at the time of licensure application; the Board is not authorized to downgrade a license, whether the NBRC is expired at the time of renewal or not. It would require a statute change to require the NBRC credential be active at the time of license renewal. Licensees would need to contact their congressman individually if they are interested in promoting this type of change.

The Board entertained a public comment from Susan Parsons, TSRC – who noted that after July 1, 2002, anyone who received credential of any kind from NBRC falls under the active maintenance requirements by NBRC. In the past year, the NBRC rules have been amended.

### **Election of Officers**

The Annual election of officers was conducted as follows:

Mr. Powell was nominated to continue to act as the Board Chair by Ms. Christmon. Mr. Powell declined the nomination. Ms. Christmon then nominated Mr. Rooks for the office of Board Chair.

Mr. Davis made a motion to accept the nomination, Ms. Christmon seconded.

Discussion:  None OR  As Follows

A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

|              |   |                             |                                  |                                  |
|--------------|---|-----------------------------|----------------------------------|----------------------------------|
| Mr. Farmer   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

Mr. Farmer was nominated for the office of Secretary by Mr. Rooks.

Mr. Davis made a motion to accept the nomination, Ms. Christmon seconded.

Discussion:  None OR  As Follows

A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

The new Board Officers will assume their roles effective with the February 18, 2021 meeting.

### **Call for Comments**

Ms. Wallace made a final call for any public comments, reminding all attendees of how to make a comment in the virtual environment.

The Board entertained a public comment from Susan Parsons, who made an announcement that she is no longer the president of the TSRC. The new president is Ms. Pam Ditto, and she will forward Ms. Ditto's contact information to Ms. Wallace and Ms. Wilkerson.

### **Adjournment**

There being no further business to be heard, a motion was made by Mr. Davis to adjourn with a second made by Ms. Braddock.

Discussion:  None OR  As Follows

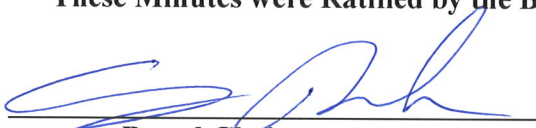
A roll call vote was conducted:

|               |   |                             |                                  |                                  |
|---------------|---|-----------------------------|----------------------------------|----------------------------------|
| Ms. Anderson  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Braddock  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Ms. Christmon | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Davis     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Farmer    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Lovelady  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Powell    | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Mr. Rooks     | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed.  YES  NO

The meeting of the Respiratory Care Board was adjourned at 11:11am CST.

**These Minutes were Ratified by the Board on February 18, 2021.**

  
\_\_\_\_\_  
**Board Chair**

2-24-2021  
\_\_\_\_\_  
**Date**