

## **TN BOARD OF RESPIRATORY CARE MEETING MINUTES**

**Date:** February 16, 2023

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

**Location:** Office of Health-Related Boards  
Iris Room  
665 Mainstream Drive  
Nashville, TN 37243

**Members Present:** Kira Anderson  
Linda Braddock, Consumer Member  
Kimberly Christmon  
Ray Davis  
Dr. Gary Keith Lovelady  
Curtis Powell  
Craig Rooks, Board Chair

**Member(s) Absent:** Robert Farmer, Board Secretary

**Staff Present:** Lyndsey Boone, Regulatory Board Administrative Director  
Sam Mullins, Regulatory Board Administrative Assistant  
Ashley Fine, Senior Associate General Counsel

**Guests Present:** Teresa Phillips, TnPAP

### **Call to Order**

The meeting was called to order at 9:02 AM Central Time. A roll call of Board Members was made, with a quorum present at the Call to Order. Administrative and legal staff were introduced.

### **Presentation of Contested Case Hearings**

Judge Shannon Barnhill, presiding. Respondent: Marilyn S. Agnew-Motley, CRT License # 1471, was present in person. Docket #17.47-224761A. Ashley Fine, Senior Associate General Counsel for the State of TN. All Board Members present introduced themselves on the record for the hearing, with a quorum present. No Board Members had any disclosures to present.

Judge Barnhill reviewed a list of all filings and orders regarding the case. All documents were

deemed to be present, as confirmed by Ms. Fine and the Respondent.

Ms. Fine presented opening statements, with an overview of the requirement for completion of 24 hours of continuing education (CE), representing calendar years 2017 and 2018 and the previous attempts for resolution via a 2021 Agreed Order, the provisions of which were not completed by the Respondent. Ms. Agnew-Motley waived the opportunity to make opening statements. Ms. Fine then presented exhibits for filing with the case, including an affidavit from Board Administrative Director Kimberly Wallace, the 2021 Agreed Order, an affidavit from Disciplinary Coordinator Elizabeth Danler, a Request for Admissions, and the Order that Deems the Request for Admissions Admitted.

Ms. Agnew-Motley provided testimony on her own behalf. She had certificates in-hand dated 12/13/2017 for 7 CE hours including ethics and safety, 12/7/2018 for 6 CE hours including ethics and safety, November 2021 for 6 CE hours with safety and ethics, December 2021 for 6 hours of AARC CE credits, and 10/14/2022 for 6 CE hours with patient safety and ethics. She asked for these documents to be entered as a collective exhibit.

Ms. Agnew-Motley confirmed that she did not submit any CE certificates to the Disciplinary Coordinator and did not pay any fines, as was required by the Agreed Order. Ms. Agnew-Motley stated that she was not able to obtain copies of the certificates presented in this hearing when attempting to do so in 2019 but obtained them just prior to this hearing.

The Board asked Ms. Agnew-Motley about the 5/13/2021 Agreed Order. She stated she did not understand the Agreed Order. Mr. Rooks asked why Ms. Agnew-Motley did not try to complete the deficient CE during the period as required by the Agreed Order. She said it had slipped her mind during family issues. Mr. Powell asked Ms. Agnew-Motley if she recalled receiving multiple letters sent out by certified mail. She stated that family members received her mail. Mr. Powell cited the annual CE requirement being in addition to the deficient CE. Ms. Christmon asked why Ms. Agnew-Motley had not paid the assessed fee, and the Respondent said she had difficulty, but also confirmed she had not reached out to the State to discuss any options available to her. Mr. Davis noted the certificates Ms. Agnew-Motley brought with her to the hearing were insufficient for the annual requirements. The Respondent stated she didn't know that 12 CE hours were required each year. She continued that, when she worked for a hospital, they kept her accountable to completing her CE's, but after leaving the hospital she had to keep up with them on her own and cited medical issues in her family.

Closing arguments were made by Ms. Fine, that the Respondent did not respond to the 05/13/2021 Agreed Order and remains in violation of that Agreed Order. The Respondent did not pursue any resolution of the Agreed Order and the State proposed action at this time including revocation of license, civil penalty of \$500 and costs not to exceed \$5,000; Respondent would be required to complete the requirements of the previous Agreed Order and obtain an Order of Compliance from the Board to pursue license reinstatement in the future.

The Respondent made closing arguments, stating that she would like the opportunity to live up to her obligations as a licensed CRT. Stated she did not comply with the Agreed Order out of a combination of not understanding, and fear of not knowing what would happen. She stated she

has learned a lesson through this process and will accept and respect the outcome of this hearing.

Ms. Fine provided a Proposed Order to the Board. Judge Barnhill provided the Charge and instructions to the Board. The Board held deliberations on the case as presented.

Board Member discussion surrounded the law and rules being clear and that licensees are responsible to adhering to the requirements and that the Respondent did not meet the requirements. The Respondent did not make use of the opportunities she had been given to address the deficiencies prior to the matter coming to a hearing and is still not in compliance to-date. The requirements for licensure are in place to protect the health, safety, and welfare of the citizens of TN.

As the discussion continued, Mr. Powell suggested a revision to the Findings of Fact as presented in the proposed Final Order, to acknowledge the CE hours provided by the Respondent the day of the hearing, even though that submission does not bring her into compliance. Ms. Christmon stated that the submissions at the hearing do not meet the requirements of the original Agreed Order. Ms. Christmon and Ms. Braddock concurred.

Mr. Powell suggested an edit to read: "Respondent failed to submit proof of completion of the required CE hours as stipulated by the May 2021 Agreed Order, and Respondent never paid the required civil penalties and costs." Board Members concurred.

The Board's Final Order included Findings of Fact, Conclusions of Law, Decisions of Disciplinary Action, and Policy Reasons for Decision/Determination.

Mr. Powell made a motion to adopt the proposed Final Order in its entirety, with one amendment to the Findings of Fact section, paragraph 3, to read "Respondent failed to submit proof of completion of the required CE hours as stipulated by the May 2021 Agreed Order, and Respondent never paid the required civil penalties and costs." A second was made by Ms. Braddock. There was no discussion on the motion. The motion passed unanimously by voice vote.

Judge Barnhill adjourned the hearing at 10:50am CST.

### **Approval of Minutes**

Mr. Powell made a motion to approve the Minutes from the October 31, 2023, Board Meeting as written. A second was made by Kimberly Christmon. There was no discussion on the motion. The motion passed unanimously.

### **Investigative Report**

Barbara Granum, Intake Coordinator with the Office of Investigations, presented the Complaints reports, as follows:

FY2023 to-date:

Open Complaints	3
Closed Complaints	0

<b>Total New Complaints</b>	2
Unlicensed Practice	0
Substance Abuse	2
Criminal Charges	0
Outside Investigative Scope	0
Violation of Order	0
Lapsed License	0
Continuing Education Violation	0

CY2022:

Open Complaints	3
Closed Complaints	16

<b>Total New Complaints</b>	11
Unlicensed Practice	1
Substance Abuse	2
Criminal Charges	1
Outside Investigative Scope	1
Violation of Order	1
Lapsed License	1
Continuing Education Violation	4

**Financial Report**

Keyyona Love, Fiscal Office Manager, was present to give the Mid-Year FY2023 report to the Board, with highlights as follows:

- Total Expenditures: \$99,878.69
- Board Fee Revenue: \$104,747.67
- Current Year Net: \$68,637.43
- Cumulative Carryover: \$1,105,912.63

In follow-up to a request made by the Board in their previous meeting, reciprocity licensee statistics were reviewed, as follows:

**Approve Initial by Reciprocity**

<u>Profession</u>	<u>FY 2023</u>	<u>FY2022</u>	<u>FY2021</u>	<u>FY2020</u>	<u>Grand Total</u>
3747	110	194	143	97	544
3750	22	46	33	20	121
<b>Grand Total</b>	132	240	176	117	665

**Legislative Report**

There were no legislative items for the Board to review in this meeting.

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

TnPAP Representative, Ms. Theresa Phillips, was present to provide their report for July 1, 2022, to December 31, 2022, as follows:

<b>Agreements Activated</b>	1
Monitoring	4
Non-Regulatory	2
Regulatory	2
<b>Referrals</b>	3
Positive workplace Screen	1
Impairment	2
<b>Discharges</b>	3
Evaluated- No Monitoring Recommended	0
Evaluated- Declined Services	1
Monitoring Complete (Regulatory)	1
Monitoring Complete (Non-regulatory)	1

Mr. Powell inquired about how someone that is entering a monitoring agreement if they are reported to the Board. Mrs. Phillips provided a brief explanation of the process.

**Administrative Report**

Board Administrator, Mr. Sam Mullins, presented the Administrative Report, as follows:

The following are the total active licensees as of February 9, 2023:

<b>RRT</b>	<b>CRT</b>	<b>RCA</b>
Active Licensees – 4,099	Active Licensees – 1,225	Active Licensees – 1

Licensing activities from October 24, 2022, through February 9, 2023:

<b>RRT</b>	<b>CRT</b>
New applications received – 110	New applications received – 43
New licenses issued – 61	New licenses issued – 21
Reinstated – 5	Reinstated – 4
Registered Poly Endorsement(s) – 1	Certified Poly Endorsement(s) - 0
Number of renewals – paper – 62	Number of renewals – paper – 29
Number of renewals online – 493	Number of renewals online – 150
Number of licensees who retired – 12	Number of licensees who retired – 6
Number of licenses that expired – 103	Number of Licenses that expired – 42
Closed Files – 29	Closed Files – 8
Upgrades from CRT to RRT – 8	NA
RRT Limited Permit to Full License – 7	CRT Limited Permit to Full License 3

For Registered Respiratory Therapists, the number of renewals online during this period constituted a usage rate of 89%. For Certified Respiratory Therapists the number of online renewals constituted a usage rate of 80%.

Meetings dates are as follows:

May 18, 2023, August 17, 2023, and November 16, 2023

Mr. Mullins also stated that information from the Executive Director’s records show that from October 2022 to February of 2023 was a 50-day average licensing time. This represents the time elapsed between receipt of the application through date of licensure approval.

**Office of General Counsel Report**

Ms. Fine presented the OGC Report inclusive of a review of the Conflict of Interest Policy, and other items, as follows:

**CONFLICT OF INTEREST**

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.

## **OPEN MEETINGS ACT**

Pursuant to the Open Meetings Act, Committee business may only be discussed by the committee members during the meeting. Members should not discuss the committee's business at any time other than during the open Committee meeting. The prohibition applies to phone calls, emails, and text messages. Committee members should also ensure that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

## **RULES**

The fee decreases voted on by the Board at its October 31, 2022, meeting are currently in internal review.

## **LITIGATION APPEALS**

There are no pending appeals from Board action.

## **CIVIL SUITS**

None

## **PENDING CASES**

The Office of General Counsel currently has three (3) open cases against respondents who hold respiratory care licenses. One Case was presented at the Board meeting as a contested case hearing. Another case was presented as a Consent Order. The remaining case is scheduled for a contested case hearing at the Board's May 18, 2023, meeting

## **DISCIPLINARY REPORT**

The Disciplinary Coordinator for the Board of Respiratory Care is currently monitoring:

- Eight (8) licensees for a reprimand.
- Six (6) licensees for probation.
- Four (4) licensees for suspension; and
- Thirteen (13) licensees for revocation.

## **Presentation of Orders, Agreed Citations, and Other Disciplinary Items**

### **Consent Orders**

**Ann Marie Louise Booth, RRT File #6757** – The licensee was found to be deficient in four (4) hours of continuing education in calendar year 2019, including one (1) non-traditional hour and three (3) traditional in-person hours (which includes one (1) hour in professional ethics and one

(1) hour in patient safety). She was also found to be deficient in one (1) of the required hours of continuing education in calendar year 2020. Specifically, she was deficient one (1) hour in professional ethics. The Consent Order called for the Respondent's license to be Reprimanded, a civil penalty was assessed in the amount of five hundred dollars (\$500.00), Respondent agrees to obtain ten (10) hours of continuing education for 2019/2020, with at least five (5) of those hours obtained through live, real-time instruction with the opportunity for interaction, and Respondent must pay the costs for prosecuting the case, with a maximum assessment of costs being one thousand dollars (\$1,000.00). A motion was made by Ms. Anderson to approve the Consent Order as written, with a second made by Ms. Braddock. There was no discussion on the motion. The motion passed unanimously.

### **Applicant Interviews/File Reviews**

#### **Dennis Pope Jr, RRT File #3889**

Mr. Pope participated in the meeting via phone call with the Board.

Board Members asked Mr. Pope several questions about prior discipline and if there was any substance abuse involved. The Board inquired if he is currently engaged in any type of monitoring agreement. Mr. Pope stated that he was only briefly monitored in Los Angeles, CA, and has no restrictions on that license.

Ms. Christmon made a motion to approve the reinstatement application for Mr. Pope, with a second by Mr. Powell. There was no discussion on the motion. The motion passed unanimously.

### **Ratifications of Licensure Files**

Ms. Boone informed the Board that the files for the individuals listed below have been reviewed and found to be in good order in accordance with the Board's Rules. Ms. Braddock made a motion to approve the ratification list as written, with a second by Mr. Davis. There was no discussion on the motion. The motion passed unanimously.

#### Ratification List

October 24, 2022 – February 9, 2023

#### **Licensed**

##### RRT

Akers Ashley Aleane	Brooks Emili Paige	Davenport Zandee Suz'Zan
Atwood Nicole	Cato Amy Williamson	Faulkner Kellie
Bachesta Jessica Leigh	Collins Olivia	Fields Jimmelle
Bolton Megan Emily	Courtney Richard	Fonseca Alison
Brien Jasmine	Dallas Tiffany Rae	Frederick Lisa



Frogner Marc Gregory	Reid Alyshia Dawn
Goodin Josalyn Brooke	Rice Susan Park
Halteman Lisa M	Rickett Sherise
Harris Sharva Montique	Roberts Joyce Ann
Heckmann Megan	Rouse Kimberly C
Hinson Kathryn Poplin	Salli Andrea
Hunt Shannon	Sine Alexis Marguerite
Johnson Joanna Marie	Smiddy Jonathan
Johnson Shellie Van	Sterling Keya Nichelle
Keslo Rachel	Swanquist Lauren Paige
Le Chi	Taylor Kayla
Le Jessica	Taylor Kayla
Loftis James M Sr.	Throop Kelly Lynne
Lundgren Rebecca	Turner Allison Danielle
Mancuyas Reuel D	Turner Crystal Danielle
Martenson David	Warner Najeeb Abdullah
Mcdivitt Jonathan	Wilson Dasjia
Mcdivitt Scarlet	Yarbrough Kaelin
Mcgillivray Kristina	Alexander Bailey Nicole
Mcvey Kimberly Louise	Alharbi Meshal Nasser Mr
Mueller-Childs Tiffany	Collins Emily
Mullins Darla	Criddle Katelyn
Nelson Karia	Gallaher Tyler
Nix Emily Trogdon	Housman Rachanna
Payne Vador Margaree	Schenck Morgan
Perks Mackenzie	
Pratt Shelton Lydell	
Provar Rachel Ann	
Rash Nicole Ashley	

CRT

Alamoudi Lujain

Bernavil Shelly Augustin

Bird Jessica

Cain Zachary James

Deimling Gregory

Dobbs Kristal Lesha

Gillooly James Thomas

Graves Keri Snyder

Green Jessica

Ishak Mera

Mcguinness Macy Dudich

Miller Ashlee

Mitchell Alexis Diane

Moore Kailee

Nagel Rena

Stallard Carrie L

Williams Jessica Renee

Wilson Drew Mcallister

Elliott Jessica Elliott

Flores Maricela

Seder Ashley

Vickers Whitney Nicole

Drake Little Page Vaden IV

Raasch Parastoo

Wheland Kayla

**RRT Work Permit**

Baird Michael David

Mize Alisa

**CRT Work Permit**

Alotaibi Mohammed

Fryer Kenyatta Renee

Harden Arnell III

**Reinstatement RRT**

Denham Mona Lisa

Domer Stephen Ray

Morrison Richard H

Tapia Torres Judith

Anderson Rhonda Castle

**Reinstatement CRT**

Covington Kimberly

Lester John Harrison II

Lowry Candace

Stewart Jeffrey

**Closed Applications**

Chandler Miranda Cay Summer

Cusic Timothy

Flanagan Breondra

Hargis Joshua

Mason Brittany

Molina Madeline

Parris Gabrelle

Shiver Amanda Rae

Stewart Mona Lynn  
Alneamah Nouf  
Bates Samantha  
Blackwell Brandy  
Boykin Kati  
Burnett Lunden Nichole  
Capozzi Richard  
Digby Amanda  
Diltz Khalia Zhane  
Ellis Betty Jeanenne  
Ferguson Taylor  
Gongora Juan Enrique  
Hogan Taylor  
Hudson Christopher  
Jackson Kenya Jemise  
Kreek Wendy Nicole  
Lester John Harrison II  
Ly Lynn Lung  
Markland Kara  
Mcdaniel Brennen Jude  
Milton-Hall Jody Marie  
Montano Carlos Jason  
Nolan Dennisa  
Proctor Kristie  
Railey Dayan  
Rings Susan  
Rubenking Bailey  
Skinner Brandon Jason  
Smith Jacob

Sullivan Erika

Wright Ivy

### **Taskforce/Committee Reports**

There were no taskforce or committee reports for the Board to review in this meeting.

### **Correspondence**

There were no correspondence items for the Board to review in this meeting.

### **Conferences**

Upcoming Event: AARC Summer Forum – Ft. Lauderdale, FL, July 15-17, 2023  
Would like to attend: Craig Rooks, Kimberly Christmon, Kira Anderson

Upcoming Event: AARC Annual Congress – Nashville, TN, November 5-8, 2023  
Would like to attend: Curtis Powell, Ray Davis, Gail Braddock

Upcoming Event: TSRC Convention & Exhibition- Memphis TN. March 16-17, 2023  
Would like to attend: Curtis Powell, Ray Davis, Gail Braddock

Mr. Rooks and Mr. Davis gave an overview of the AARC Congress event they attended in November 2022. Topics included staffing issues, new applicants from schools, and scientific methods they learned about at the meeting.

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

There was no old business or new business items to be discussed during this meeting.

### **Rulemaking Hearings, Rule Amendments, and Policies**

There were no rulemaking or policy items for the Board to review in this meeting.

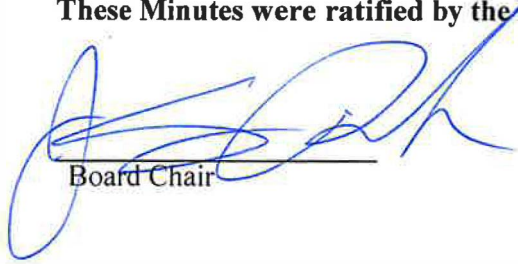
### **Call for Public Comment**

Ms. Boone announced one final opportunity for public comments before the end of the meeting. There were no public comments offered. Ms. Boone reminded the audience that public comments may also be submitted in writing and sent by mail to The TN Respiratory Board, 665 Mainstream Drive, Nashville, TN 37243 or sent via email to [Unit3HRB.Health@tn.gov](mailto:Unit3HRB.Health@tn.gov).

**Adjournment**

There being no further business, Ms. Braddock made a motion to adjourn at 12:03 pm CST, with a second made by Mrs. Christmon. There was no discussion on the motion. The motion passed unanimously.

**These Minutes were ratified by the Board on June 26, 2023.**

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

6-26-2023  
Date