

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

**Date:** August 17, 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  
Kimberly Christmon  
Ray Davis  
Robert Farmer, Board Secretary  
Dr. Gary Keith Lovelady  
Craig Rooks, Board Chair

**Member(s) Absent:** Curtis Powell  
Consumer Member, Vacant

**Staff Present:** Kimberly Wallace, 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 9:03 AM CST. A roll call of Board Members was made, with a quorum present at the Call to Order. Administrative and legal staff were introduced.

### **Rulemaking Hearing**

The Rulemaking Hearing was called to order. Ashley Fine, Senior Associate Counsel with the Department of Health's Office of General Counsel, served as moderator of this rulemaking hearing. A quorum of Board Members was present along with Administrative Office and OGC staff.

The rulemaking hearing is taking place pursuant to Tennessee Code Annotated, Section 4-5-204,

in the Iris Conference Room, 665 Mainstream Drive, Nashville, Tennessee.

The purpose of this rulemaking hearing is to solicit comments on rules proposed by the Board in order to amend Rule No. 1330-01-.06, Fees.

Pursuant to Tennessee Code Annotated § 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:

On October 31, 2022, the Board of Respiratory Care voted to reduce the application fee from seventy dollars (\$70.00) to twenty-five dollars (\$25.00), the license fee from eighty dollars (\$80.00) to twenty-five dollars (\$25.00), and the biennial renewal fee from seventy-five dollars (\$75.00) to fifty dollars (\$50.00) based on the recommendation of the Board's fiscal office at the October meeting.

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 a period of 90 days, the end of which will be the effective date.

Those members of the public wishing to speak should sign up at the table by the door. Only those who have signed up will be permitted to speak. Ms. Fine will gather that list after reading the rules, and will call the names off that list.

The notice of rulemaking hearing included the entire text of the proposed rules and was published on March 22, 2023, on the Tennessee Administrative Website.

Ms. Wallace confirmed that additional notice was given to the affected individuals or groups, including the TSRC, AARC, NBRC, and posting on the Board website for licensees, applicants, the general public and all interested parties.

The Rule was read into the record.

Fiscal Director, Emily Godwin was present to review updated financial projections. She presented the FY2023 Financial Report in draft version for their review, as well the final report, which was pending completion. The updated numbers indicate that the proposed fee decreases may decrease the Cumulative Carryover Balance quicker than originally projected.

The Board reviewed the existing fee decrease as written in the rulemaking hearing package as presented. Based on the rulemaking package, the decreases presented are anticipated to reduce the cumulative carryover in approximately four (4) years, barring any unforeseen expenditures.

Ms. Fine noted it is more difficult to increase fees than it is to decrease fees should the Board need to increase again in the future.

Mr. Rooks suggested the Board consider making a change at this time only to the initial application fees (application and license fee) and a later point come back and take a look at a reduction in the renewal fees. Dr. Lovelady concurred.

Ms. Wallace reviewed the purpose of the cumulative carryover funds and discussed the Board's

ability to provide a description of their fiscally responsible actions in their rulemaking when they appear at Gov. Opts.

The current rulemaking package numbers would decrease the Application Fee from seventy dollars (\$70.00) to twenty-five dollars (\$25.00), the License Fee from eighty dollars (\$80.00) to twenty-five dollars (\$25.00), and the Biennial Renewal Fee from seventy-five dollars (\$75.00) to fifty dollars (\$50.00).

A motion was made by Ms. Anderson

To make a change to the proposed fee changes, as follows:

Application Fee from seventy dollars (\$70.00) to twenty-five dollars (\$25.00)

License Fee from eighty dollars (\$80.00) to twenty-five dollars (\$25.00)

For a total application fee of \$50;

The Biennial Renewal Fee will remain unchanged at seventy-five dollars (\$75.00)

With a second made by Mr. Farmer

Discussion:  None OR  As Follows

Public Comment  None OR  As Follows

The motion passed unanimously by roll call vote, as follows:

Mr. Ray Davis	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recused	<input type="checkbox"/> Absent
Mr. Robert Farmer	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recused	<input type="checkbox"/> Absent
Mr. Jeffrey Rooks	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recused	<input type="checkbox"/> Absent
Ms. Kira Anderson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recused	<input type="checkbox"/> Absent
Ms. Kim Christmon	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recused	<input type="checkbox"/> Absent
Dr. Keith Lovelady	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recused	<input type="checkbox"/> Absent
Mr. Curtis Powell	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recused	<input checked="" type="checkbox"/> Absent

The Rulemaking hearing was closed.

### **Approval of Minutes**

A motion was made by Mr. Farmer

To approve the Minutes of the June 26, 2023, Board Meetings, as written.

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Receive Reports and/or Requests from the Office of Investigations**

Roger Knowlton, Intake Coordinator with the Office of Investigations, presented the Complaints reports, as follows:

FY2023 to-date:

Open Complaints	5
Closed Complaints	1

<b>Total New Complaints</b>	<b>5</b>
Unlicensed Practice	0
Substance Abuse	2
Criminal Charges	0
Outside Investigative Scope	0
Violation of Order	1
Lapsed License	2
Continuing Education Violation	0

**Receive Reports and/or Requests from the Division of Health Licensure and Regulation**

There were no finance report items for the Board to review in this meeting other than the information provided by Ms. Godwin in the Rulemaking Hearing.

**Discuss and take action as necessary regarding Legislation**

Ellen Gose, Legislative Liaison, provided the 2023 Legislative Summary. See Attachment A for details.

**Receive Reports and/or Requests from the Tennessee Professional Assistance Program Report (TnPAP)**

TnPAP Representative, Ms. Theresa Phillips, was present to provide their report for July 1, 2022, through June 30, 2023, as follows:

<b>Agreements Activated</b>	3
Monitoring	6
Non-Regulatory	3
Regulatory	3

<b>Referrals</b>	6
Positive workplace Screen	3
Impairment	3

<b>Discharges</b>	4
Evaluated- Declined Services (Non-Regulatory)	1
Evaluated- Declined Services (Regulatory)	1
Monitoring Non-Compliance (Regulatory)	1
Monitoring Complete (Non-regulatory)	1

**Receive Reports and/or Requests from the Board Administrative Office**

Admin Report

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

The following are the total active licensees as of August 10, 2023:

<b>RRT</b>	<b>CRT</b>	<b>RCA</b>
Active Licensees – 4,134	Active Licensees – 1,205	Active Licensees – 1

Licensing activities from June 12, 2023, through August 10, 2023:

<b>RRT</b>	<b>CRT</b>
New applications received – 60	New applications received – 23
New licenses issued – 38	New licenses issued – 15
Reinstated – 4	Reinstated – 1
Registered Poly Endorsement(s) – 0	Certified Poly Endorsement(s) - 0
Number of renewals – paper – 28	Number of renewals – paper – 9
Number of renewals online – 292	Number of renewals online – 72
Number of licensees who retired – 8	Number of licensees who retired – 2
Number of licenses that expired – 36	Number of Licenses that expired – 18
Closed Files – 3	Closed Files – 0
Upgrades from CRT to RRT – 4	NA
RRT Limited Permit to Full License – 11	CRT Limited Permit to Full License – 1

For Registered Respiratory Therapists, the number of renewals online during this period constituted a usage rate of 91%. For Certified Respiratory Therapists the number of online renewals constituted a usage rate of 89%.

**Receive Reports and/or Requests from the Office of General Counsel**

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**

A rulemaking hearing regarding the fee decreases voted on by the Board at its October 31, 2022, was held in this meeting.

## **LITIGATION APPEALS**

None

## **CIVIL SUITS**

None

## **PENDING CASES**

There are currently no open cases in the Office of General Counsel.

## **DISCIPLINARY REPORT**

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

- Five (5) licensees for a reprimand.
- Two (2) licensees for probation.
- Two (2) licensees for suspension; and
- Ten (10) licensees for revocation.

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

### **Consent Orders**

None

### **Agreed Citations**

#### **Thomas Carlton, RRT #5689**

The licensee was found to have practiced on a lapsed license from March 2023 through May 2023 and was assessed civil penalties in the amount of two hundred dollars (\$200).

A motion was made by Ms. Anderson

To approve the agreed Citation as written

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

## **Applicant Interviews/File Reviews/Waivers & Other Requests**

### **Phillip Tidwell, RRT File #395**

Mr. Tidwell was present in person to discuss his file with the Board.

Ms. Wallace informed the Board that this file could not be administratively approved and is being submitted to the full Board for review due to the following reasons: The file is incomplete due to not having active NBRC credentials due to suspension by the NBRC and there are open Board Orders for which no Petition for Order of Compliance has been submitted (see Rule 1330-01-1593) and no Order of Compliance has been issued, and there were previous criminal indications on his record.

Ms. Fine entertained conflicts by board members. Mr. Davis asked to be recused. A quorum remained.

Mr. Tidwell was invited to the podium to address the Board and discuss his application file for reinstatement. Mr. Tidwell brought copies of two letters from the NBRC, and copies of prior Board Orders.

Mr. Rooks asked Mr. Tidwell to present the situation from his perspective, truthfully. Mr. Tidwell

provided a brief history of his career in respiratory therapy. He stated he encountered trouble with alcoholism that started around the time his license discipline was issued. He stated that he has been involved in rehab and sober since 4/28/22. States he stayed active with the CE with a goal of appearing before the Board. Referenced an NBRC notice he received. He did not complete a monitoring agreement with TnPAP. He referenced an email (unsigned) from John Woods, MD, supporting TnPAP advocacy concurrent with return to work as a therapist.

Ms. Fine noted the first Board Order required TnPAP, but the 2<sup>nd</sup> Board Order was a Voluntary Surrender/Revoked license status. Both Orders required payment of costs and civil penalties. Some, but not all costs have been paid, with a remaining balance over \$3,000 at this time. He is not in compliance and has no Order of Compliance. The Rules require an individual to obtain an Order of Compliance by Rule 13-01-.15(3) before a reinstatement can be considered. Ms. Fine stated it is premature to consider the application today. The Board can discuss it with him, as they deem appropriate.

Mr. Rooks asked if Mr. Tidwell understood all the requirements for reinstatement and he stated he did. He says he is a “unique situation” because he does not have NBRC credentials/active certification due to the “notice from the State of TN” partially. He states his only path to apply for licensure is for the Board to send the NBRC a message that would allow him to pursue reinstatement of his credentials.

Mr. Rooks acknowledged Mr. Tidwell’s passion for the profession, noting however, that Mr. Tidwell has not completed the requirements of the Consent Order, as required before he can pursue reinstatement of license. Mr. Tidwell confirmed he is not practicing respiratory therapy at this time.

Ms. Christmon asked Mr. Tidwell where he was in terms of completing the requirements of the 2017 Board Order. He stated he viewed the Order requirements differently than the State viewed it. He chose to go into a profession other than respiratory therapy, relocated to another state, and was still drinking heavily at that time, and then if he ever wanted to go back into respiratory therapy, he would look at completing the requirements at that time. He didn’t think it would be a problem to return to the profession. He disagreed with the 5-year “suspension” on the license, which was regarding his drinking issue.

Ms. Fine commented that TnPAP has stated he entered a TnPAP Monitoring agreement in June 2023 and he is in compliance with their monitoring at this time. For purposes of TnPAP perspective, they state he is safe for practice.

Payment of costs and civil penalties remain open at this time before he can file, with \$3,195.94 owed plus \$300 for civil penalties, before he can file for an Order of Compliance. If he satisfies those payments, he can then file for an Order of Compliance.

Ms. Fine advised that the Board Rules indicate a Petition for Order of Compliance that would be filed with the Disciplinary Coordinator in the OGC would be required before he proceeded to apply for reinstatement. Mr. Rooks concurred.



Ms. Wallace noted the current reinstatement application will expire organically if there is no Board action.

Dr. Lovelady stated the Board does appreciate the steps Mr. Tidwell has taken thus far.

Ms. Fine noted the Disciplinary Coordinator is who Mr. Tidwell would work with regarding the payment of outstanding costs. Ms. Fine confirmed that notices of costs were mailed to Mr. Tidwell after each Board Order was ratified.

A motion was made by Ms. Christmon

To approve the Phillip Tidwell to be able to withdraw the application; should he not withdraw before the application before the standard expiration deadline then it will expire organically.

With a second made by Mr. Farmer

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Latona Beauregard, File #8872**

Latona Beauregard was present in person.

No Board Members had any conflicts or needed recusal from the review of this item.

Mr. Farmer inquired as to the letter of explanation of the incident that led to her being added to the Abuse Registry. Ms. Beauregard described the events surrounding the incident and stated that she continued working for that company for several years after the incident date.

Mr. Rooks referenced the initial letter of notice of the allegation, which gave her the opportunity to challenge the allegations, which she did not respond to, stating she was young at the time and didn't have any guidance on how to respond. Now she understands the situation. She currently works as a respiratory care tech since December 2022. She stated she has not received any reprimands or disciplinary actions since that time. Ms. Beauregard provided a letter of support.

Ms. Fine referenced TCA 63-1-149 and 68-11-10 regarding licensure considerations due to registry status.

A motion was made by Ms. Christmon

To approve the temp permit, unencumbered, with approval extending to transition full licensure pending NBRC exam results of credentialing.

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Emily Southall, RRT File #8928**

Applicant indicated she would be available to discuss her file via phone call, but the Board chose not to place the call after reviewing the documents presented in the application file, instead requesting more information for additional review and bringing the file back for consideration at the next Board meeting in November 2023.

No Board Members had any conflicts or needed recusal from the review of this item.

A motion was made by Ms. Anderson

To table the discussion until the November meeting, to continue the interview regarding the verification letter from WY and letter of resolution from WY board order; if the documents are not received prior to the meeting, the file will expire.

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Codie Wilson, File #8753**

Applicant was not present and provided a letter of explanation for the incident on her other state licensure and a request that the Board review her file in her absence.

No Board Members had any conflicts or needed recusal from the review of this item.

Ms. Christmon has questions extending beyond the scope of the letter provided. Ms. Fine confirmed it is at the board's discretion if they wish to proceed with the review.

A motion was made by Ms. Anderson

To table the file to the next meeting contingent upon Ms. Wilson being present for the interview with the Board.

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Ratification of Licensure Files**

Ms. Wallace 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.

A motion was made by Mr. Farmer

To approve the Ratification List as presented.

With a second made by Ms. Christmon

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Ratification List**

**RRT - Closed Applications**

Ali Najee  
Cappello Jenna  
Dixon Derek Crawford Jr.

**RRT - Newly Licensed**

8901	Billon Jaclyn Sara
8907	Boles Madison Kay
8914	Bransford Tamara
8842	Breaux William E
8906	Brown Kaylee Grace
8918	Carter Kendrick
8949	Dean Keisha
8877	Dixon Danielle
8934	Gaffney Michelle Lea
8896	Gladish Kathryn Vickers
8893	Glenn Tuesday Marie
8913	Graves Candace Nicole
8924	Hale Andrea Gene
8856	Kimball Kathryn Nicole
8938	Meadows Jed Dalton
8905	Molina Cassie Joy
8860	Moradi Mina
8931	Muhammad Elijah

8922	Nester Bradley
8865	Nickles Magen Nicole
8943	Obannon Kathryn Carol
8946	Osborn Jessica Marie
8848	Owens Calli Nicole
8819	Owens Nichole Leigh
8940	Penson Zoreia Shy'An
8903	Perry Stacie Leigh
8900	Price Kinsey
8929	Redwine Abigail
8912	Roe Megan
8878	Scott Allysha Ms
8921	Seymour Terrence Jr
8869	Tate Joesha
8807	Tucker Sandra T
8926	Underwood Alexis
8930	Wade Mason
8887	Washington Kierney
8890	Wolcott Kelsey Nicole
8894	Wooten Shamela Lynnette
8937	Wright Lacei Enise
8925	Wright Lauryn Marie
8158	Clarich Taylor Rae
8772	Murphy Kiara
8825	Barnes Juliann
8858	Jones Deanne Ada
8851	Owens William Jacari
8852	Rice Lauren Ashley
8834	Ruiz Ashley
8867	Russell Hannah Faith
8844	Schuerger Courtney
8859	Shelton Kaitlinh Ann
8885	Smith Bradley
8866	Thompson Jeffery
8864	Whitt Jordan Elise

RRT - Reinstated Licenses

5511	Bolton Michele
5689	Carlton Thomas Ryan
5898	Hayes Evelyn J.
5701	Padgett Jeri Tenile

CRT – Newly Licensed

7857	Baugh Sherri
7844	Blazer Travis Andrew
7818	Bobo Prince
7856	Cate Kendyl Elizabeth
7847	Hurt Kortez L
7845	Irwin Trellony
7814	King Courtney
7827	Liao Jenny
7835	Moss Lakavia
7839	Muhammad Elijah
7838	Nester Bradley
7846	Osborn Jessica
7855	Williams Claudette Yvonne
7828	Wright Lacei Enise
7496	Tillis Deja
7829	Samples Andrew Vaughn

CRT – Reinstated Licenses

7407	Collins Alicia Janelle
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**Rulemaking Hearings, Rule Amendments, and Policies**

There were no rulemaking items to be reviewed by the Board in this meeting.

### **Conference/Event Reports and Upcoming Events Review**

There were no conference or event items for the Board to review in this meeting.

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

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

### **Review of Correspondence and Notices**

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

### **Call for Public Comment**

Ms. Wallace announced one final opportunity for public comments before the end of the meeting. There were no public comments offered. Ms. Wallace 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.

### **Adjournment**

There being no further business, a motion was made by Mr. Farmer to adjourn.

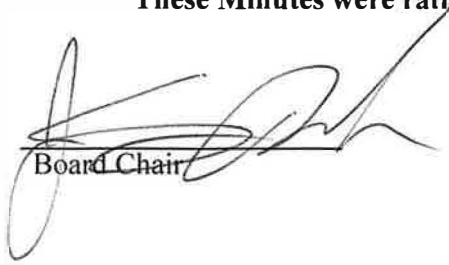
With a second made by Ms. Christmon

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

Adjourned at 12:56pm CST.

**These Minutes were ratified by the Board on November 16, 2023.**

  
Board Chair

11-16-23  
Date