

Board of Respiratory Care Minutes

Date: August 15, 2019

Time: 9:00 AM Central Time

Location: Iris Conference Room
Ground Floor
665 Mainstream Drive
Nashville, TN 37243

Members Present: Jeffery Craig Rooks, RRT, Secretary
Robert E. Farmer, RRT
Curtis D. Powell, RRT, Board Chair
L. Gail Braddock, Consumer Member
Kimberly Christmon, RRT
Ray A. Davis, RRT
Gary Keith Lovelady, MD (late arrival)

Member(s) Absent: Lisa Caldwell, RRT

Staff Present: Noranda French, Unit Director
Mary V. Webb, Board Manager
Melissa Storie, Board Administrator
Tracy Alcock, Assistant General Counsel

Guests Present: Cody Donovan, RT
William L Ross, RRT
Helen Stephens, Court Reporter
Stephanie Hurley, RRT
Mike Harkreader, TnPAP
Leslie Roger
David Johnson
Maria Johnston
John Williams, TSRC
Susan Parsons, TSRC
Rob Wilson, Secretary of State Representative

Call to Order

After the roll call and with a quorum being present, Mr. Powell called the meeting to order at 9:05 A.M.

Contested Case Hearing

Case presented before the board on Shannon Gibson, RRT for failure to comply with a consent order from May 2018. In original consent order Ms. Gibson was placed on probation and ordered to attend TnPAP evaluation and follow any recommendations. Tracy Alcock made a motion for default on the case due failure of licensee response to multiple attempts of contact and the licensee not being present. Rob Wilson granted motion for default. Ms. Alcock presented evidence and witness statements supporting the state's case. TnPAP representative Mike Harkreader presented testimony to the board in regards to Ms. Gibson's failure to complete the TnPAP recommendations. After review of presented evidence and witness testimony, Ms. Alcock asked the board to revoke Ms. Gibson's license for failure to complete requirements of the of the consent order. Based on the information and testimony provided, Dr. Lovelady made a motion to accept the finding of facts as written. Motion seconded by Ray Davis. Motion carried. Dr. Gary Lovelady made a motion to accept the conclusions of law as written, seconded by Craig Rooks. Motion Carried. Dr. Gary Lovelady made a motion to accept the policy statement as written, seconded by Robert Farmer. Motion Carried. Kim Christmon made a motion to accept the proposed order as written, for the revocation of the license of Shannon Gibson, licensee is assessed two (2) Type B civil penalties in the amount of two-hundred (\$200) dollars each, totaling four-hundred dollars (\$400) to be paid within thirty (30) days of entry of the order, and prior to the reinstatement of her Tennessee respiratory license must complete a new TnPAP evaluation and comply with any and all recommendations, and licensee is responsible for all court costs associated with the hearing not to exceed the maximum of ten-thousand (\$10,000) within 30 days of the entry of the order seconded by Robert Farmer. Motion Carried.

Approval of Minutes

Tracy Alcock requested change to minutes of the May 16, 2019 board meeting to show Andrea Huddleston as deputy general counsel. Craig made a motion to accept the minutes as written with the proposed change. Kim Christmon seconded, the motion carried.

Office of General Counsel Report

Tracy Alcock, Assistant General Counsel, presented the Office of General Counsel (OGC) report as follows:

Litigation

Ms. Alcock reports no current cases with OGC with the exception of the trial held.

Conflict of Interest

Ms. Alcock reminded the Board about the Conflict of Interest Policy. She reminded members of their obligation to recuse themselves from any matter in which they might have a personal or financial interest, or from participating in any matter before the board in which there might be an appearance of a conflict.

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 is one (1) practitioner under reprimand, six (6) practitioners under probation, and three (3) are suspended. Also, there were nine (9) revocations, and one (1) child support order to report.

For the year 2019, the Office received three (3) CRT complaints; all three (3) are for unprofessional conduct. So far in 2019 investigations has closed zero (0) complaints and currently have five (5) open complaints under review. For Respiratory Care Assistants, there are no new complaints and no complaints pending investigation at this time.

Financial Report

No new information to present

Applicant Interviews/File Review

Tracy Alcock reminded the board of the fresh start act.

William Ross- Applicant for CRT license appeared before the board for previous criminal convictions. After applicant interview and board discussion, Kim Christmon made a motion to approve, seconded by Ray Davis. Motion passed.

Cody Donovan- Applicant for RRT license appeared before the board for previous criminal convictions. After applicant interview and board discussion, Robert Farmer made a motion to approve, seconded by Dr. Lovelady. Kim Christmon recused herself from the vote. Motion carried.

Daniel Burgess- Application for RRT license presented to the board for previous criminal conviction. After applicant phone interview and board discussion, Dr. Lovelady made a motion to approve, Robert Farmer seconded. Motion carried.

Stephanie Hurley- Applicant for RRT license appeared before the board for previous criminal convictions. After applicant file review, Dr. Lovelady made a motion to approve, Robert Farmer seconded. Kim Christmon recused herself from the vote. Motion carried.

Tennessee Professional Assistance Program Report (TnPAP)

Mike Harkreader, TnPAP Representative, presented the board's activity report from July 1, 2018 to June 30, 2019 as follows:

Monitoring- Non-regulatory	1
Monitoring Closed - Agreement Noncompliance	
Referrals - from TNDH.	1
Pending Treatment	1
Closed Cases	3
Pending Evaluation Report	

Of the closed cases one (1) completed monitoring and two (2) declined the recommendations and were referred back to Department of Health.

Ratifications

Gail Braddock and seconded by Mr. Farmer, to ratify the list of newly licensed, license reinstatements for Certified, Registered Respiratory Therapists, and list of closed files as follows:

New Licenses

Registered Respiratory Therapists

Abernathy Christopher Ryan
 Anderson Chelsea
 Anderson Jarah
 Anderson Michael Tarence Jr Mr
 Anderson Savanna
 Baker Jeffrey
 Beecham Tailor Jo RRT
 Bergman Emily Mae
 Brown Brittany Nichole
 Brown Jermainiauna La'Vette
 Bullock Caylin Dashae Ms.
 Cagle Amanda Beth
 Capen Deborah Sowa
 Carney Caitlin
 Cass Sally Marie MS
 Chennault Hal W.
 Choate Mattilyn Albey Ms.
 Cooney Bailey Mrs.
 Cotham William Trinton
 Daniels Katheeja Beevi Mrs.
 Defevers Whitney Danielle
 Donegan Tyler
 Duckworth Brena Mrs

Eckhardt Anne
Edwards Bo Daniel
Ferguson Haley
Fermenich Carla Ann Darlene
Flatt Stephanie
Foster Alean German
Franklin Savannah Macey Ms.
Frisbee Bethany Leanna Jane
Gilchrist Dawn Marie
Gordon Robin Nicole Mrs
Graham Carlisa
Graham Stephen
Grooms Brittany Nicole Ms.
Guthrie Kristal
Hembree Stacie Marie Mrs.
Hileman Laura Anne
Hoefer Summer Leanne
Holland Thomas Jackson
Honey Allie Ms
Joga Katherine
Johnson Deborah
Jones Jasmine Louise
Kaufmann Matthew
Kayser Samuel Alan
Knies Michael Antony
Leggott Katherine Mrs
Maasen Amber Leigh-Ann
Miller Charlie
Mooney Miranda Marie
Muhammad Yaminah
Odierna Robert Joseph
Owens Tessa Renee
Patterson Bryshlan Keanu Ms
Paysinger Melissa Myers Mrs
Presnell Eric
Ramey Breanna Lynn
Ray Tyler
Sadek Merna Youssef
Scott Stephanie
Seniseros Juan Antonio Mr.
Smith Jalanda Maryann
Smotherman Ashley Nicole
Snyder Peggy Crocker
Staggs Chelsey Brooke

Stanfield Alexander
Stark Heath Warren Mr.
Sullivan Whitney Michelle
Swindle Kayla Marie
Tapia Natalie Spencer Mrs.
Taylor Jordan Leigh
Taylor Travis Keith
Theros Marci
Tindal Angela Marie
Torres Delgado Christian
Tucker Preston Blade
Tyrell Shellie
Vazquez Marysol
Vild Kaitlin
Walton Marshall
Watson Candace
Welch Crystal Gail
White Bruce Andrew
Wolfenbarger Devin Matthew
Wyatt Kristy Lee
Zaki Mervat Fayek
Anderson Jarah
Anderson Savanna
Bullock Caylin Dashae Ms.
Cotham William Trinton
Defevers Whitney Danielle
Ferguson Haley
Flatt Stephanie
Franklin Savannah Macey Ms.
Gordon Robin Nicole Mrs
Honey Allie Ms
Joga Katherine
Knies Michael Antony
Maasen Amber Leigh-Ann
Ray Tyler
Smith Jalanda Maryann
Smotherman Ashley Nicole
Snyder Peggy Crocker
Taylor Travis Keith
Tindal Angela Marie
Tucker Preston Blade
Vild Kaitlin
Wolfenbarger Devin Matthew

Certified Respiratory Therapists

Baker Brianna Lee
Bivens Erin Kathleen
Bolling Heather Danielle
Bruce Jeremy Adam
Campbell Lisa Dawn
Caniglia Kelli De Hoog
Crocker Carmen
De Saint Georges Rachel Hart
Edwards Bo Daniel
Frisbee Bethany Leanna Jane
Hayward Eric Dwayne Sr. Mr.
Hembree Stacie Marie Mrs.
Hood Sarah
Hoyle Selena Ray
Johnson Julie Ann Mrs
Kaufmann Matthew
Mccann Schaeffer Kowalska
Nsawi Alice
Owens Tessa Renee
Smith Laprecious Lakimbriel MS
Thompson Wanda Denise Ms
Wallace Dominique Ms
Welch Tanisha Ms
Beecham Tailor Jo RRT
Cagle Amanda Beth
Choate Mattilyn Albey Ms.
Holland Thomas Jackson
Kayser Samuel Alan
Simpson Cheyenne RRT

Reinstatements

Cowan Crystal Dawn
Hobson Nina Sledge
Moore Kimberly Anida
Bonioma Koya M
Keith Janice Kaye
Stidham Brian Marshall

Work Permit Issued

RRT

Bolling Heather Danielle
Dollar Jessica Paige Mrs.
Hunt Preston Jordon

Madrigal Alexis
Yahya Tehma

CRT

Henzman Jordan Kendal
Hickman Amy Jeanette CRT
Kibet Nelly Saina
Landwehr Brandi Leanna Mrs.
Mcmahon Dylan Austin
Price Katena Alexandra
Simmons Jasmine D.

Closed Files

Garrison Hannah Grace
Halpin Pavanne M Mrs.
Henzman Jordan Kendal
Kibet Nelly Saina
Mori Jeanne
Remley Stacy Nichole
Rogers Brandi
Smith Tia
Mccorkle Sean
Willis Kortney

Motion Past

Administrative Report

Melissa Storie, Board Administrator, presented the administrative report as follows:

Statistical Report

Total active licensees as of August 14, 2019:

RRT	CRT	RCA
Active Licensees – 3,690	Active Licensees – 1,246	Active Licensees – 5

Licensing activities from May 4, 2019 Through August 9, 2019:

RRT	CRT
New applications received – 49	New applications received – 37
New licenses issued – 90	New licenses issued – 35
Reinstated -5	Reinstated – 3
Registered Poly Endorsement(s) – 0	Certified Poly Endorsement(s) - 0
Number of renewals – paper – 61	Number of renewals – paper – 39

Number of renewals on line – 392	Number of renewals on line – 107
Number of licensees who retired - 8	Number of licensees who retired – 5
Expired – 67	Expired – 39
Closed Files – 8	Closed Files – 4
Upgrades from CRT to RRT- 4	NA
RRT Limited Permit to Full License-0	CRT Limited Permit to Full License- 1
RRT Temporary Permits- 20	CRT Temporary Permits- 6

For RRTs, the number of renewals done online during this period constituted a usage rate of 88%, for CRTs the number of online renewals constituted a usage rate of 74%.

Correspondence

Constance Puckett- Requested waiver of CEU’s during May 2019 board meeting. Per May meeting licensee was advised to obtain CEU’s completed for previous employers before the board could make a decision. Ms. Puckett did not provide any continuing education as requested. Gail Braddock made a motion for her to attend the next board meeting and provided required paperwork or decision to grant or deny the waiver will be reached. Robert Farmer Seconded. Motion passed.

Melanie Kristy McClellan- Requested a waiver for obtaining continuing education due to no longer practicing. Kim Christmon recused herself. Dr. Lovelady made a motion to grant waiver. Mr. Rooks seconded. Motion passed.

New Legislation

Patrick Powell, representative of Legislative Affairs presented updates on everything that was passed in the last legislative session.

Public Chapter 61: Entities responsible for AED (Automatic External Defibrillator) programs are is immune from civil liability for personal injury that was not deemed willful or wanton misconduct. Rule passed March 28, 2019.

Chapter 144: Preventing youth Access to vapor and tobacco products

This prohibits the use of vapor products in the same manner as tobacco products with the exception of nursing home facilities. Took affect April 17, 2019.

Chapter 195: Expedited license

Military and military spouses can now be issued expedited licenses without showing proof of active employment. All application documents must be submitted. Took effect July 1, 2019.

Chapter 229: Bartering

This allows all health care professionals to accept goods and services as payment in direct exchange for health care services not covered by insurance.

Chapter 243: Accommodations for exams

This act requires that any required state issued exam with the exception of federal exams must provide appropriate accommodations per ADA rules.

Chapter 245: Nursing Title

This act prohibits any health professional that is not licensed by the Tennessee Board of Nursing from using the term nurse.

Chapter 303: Preventing youth access to including smoking hemp

Prohibit the sell or use of smoked hemp products to persons under the age of 18. Took effect July 1, 2019

Chapter 447: Law enforcement

This act permits Law enforcement agencies to subpoena records or documents pertaining to an ongoing case or investigations from Department of Health prior to formal charges being filed against the provider.

Rulemaking Hearings, Rule Amendments, and Policies

Tracy Alcock presented to the board the proposed changes for the delivery of respiratory care equipment rule per concerns presented by TSRC at the November 2018 board meeting. Ms. Alcock presented redline changes to the rules for the board to review. Changes to the rules will affect the delivery and home education, explanation and maintenance of respiratory equipment used by the patient at an in-home setting. After discussion between board members and TSRC representatives, an additional provision was requested that this rule will not affect medical professionals licensed under title 63 who are performing actions under their scope of practice. Other small changes requested include the definition of place of residence, removing in-patient and out-patient setting, change humidifiers to add for nasal cannula and removal of duplicate line. Further discussion will be tabled until November 14, 2019 meeting. Ms. Alcock will present new draft with proposed changes during this meeting for further review and discussion.

Conferences

Kim Christmon presented her review of the AARC 2019 Summer Forum. Ms. Christmon discussed NBRC's new credentialing plan, allowing three (3) ways for respiratory therapists to demonstrate their continuing education, such as assessments, retaking national exam test, or obtaining new credential through testing. Based on results of assessments or exams NBRC will determine the number of continuing education that must be submitted. This will not affect those who obtained credentialing prior to 2002. NBRC plans to put this new plan into effect beginning in January 2020. Curtis Powell also attended the summer forum and gave his review on Ohio State University becoming the first school to offer and advanced practice respiratory care practitioner course. The future intent is for respiratory care practitioners to have specialty areas.

Discuss Old and New Business

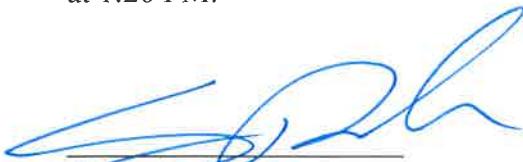
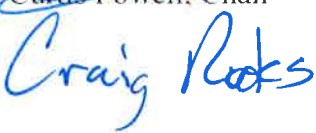
Open board discussion on continuing to issue Certified Respiratory Therapists licenses and the schools offering the advanced practice option. Tracy Alcock requested tabling the discussion on the stopping issuing of new CRT license until next meeting.

Upcoming Conferences

Mary V. Webb reminded board members of upcoming conferences approved attendees. Gail Braddock requested to attend the FARB 2020 Forum in Colorado Spring, CO January 23-26, 2019. Ray Davis requested to attend the AARC Congress 2019 in New Orleans, LA November 9-12, 2019. Craig Rooks made a motion to attend, Robert Farmer seconded. Motion Passed.

Adjournment

There being no further business, Mr. Powell made to adjourn the meeting. The meeting was adjourned at 1:20 PM.


Curtis Powell, Chair


2-20-20
Date