

## Board of Respiratory Care Minutes

**Date:** November 14, 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

**Member(s) Absent:** Lisa Caldwell, RRT

**Staff Present:** Kimberly Wallace, Unit Director  
Lacey Wilkerson, Board Administrator  
Maria Johnston, Administrator  
Tracy Alcock, Assistant General Counsel

**Guests Present:** David Johnson, TSRC  
Derek Kitamura  
John Williams, TSRC  
Mike Harkreader, TnPAP  
Lori Leonard, Disciplinary Coordinator  
Susan Parson, TSRC  
Jarvis Reed  
Maria McCormick, Admin Services Manager

### **Call to Order**

After the roll call and with a quorum being present, Mr. Powell called the meeting to order at 9:08 A.M.

### **Call for Comments**

Mr. Powell made a public notice calling for any audience member with questions, or comments on this meeting's agenda to sign in on the comment sheet

### **Approval of Minutes**

May 16, 2019 and August 15, 2019 minutes presented to the board for review and approval. Tracy Alcock requested changes to the August 15, 2019 minutes, rules section and legislation sections to be removed, board administrator name in report section to be changed to Melissa Storie and replacing the word till with until in the new business section. Ms. Braddock made a motion to approve the August minutes with changes. Ms. Christmon seconded. Motion Carried. May 16, 2019 minute change to the title for general counsel, Ms. Braddock made a motion to approve the May minutes with changes. Mr. Farmer seconded. 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 one current case open with OGC for consent order to be presented during this meeting.

#### **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.

#### **Legislation**

The Tennessee Legislative 111<sup>th</sup> general assembly has adjourned. Legislation will reconvene January 14, 2020

#### **Agreed Citations**

Board Administrator, Lacey Wilkerson gave an explanation of an error discovered by the administrative office on previously issued agreed citations for continuing education. Previous administrative staff failed to require licensees to obtain additional 5 continuing education hours as stated in the rules. Current Administrative staff has since rectified the error and is currently requiring licensees to obtain the additional hours as well as other requirements. Dr. Lovelady made a motion to accept the incorrect completed agreed citations as written, and require the additional 5 hours on all future citations. Christmon seconded. Motion carried

Tracy Alcock, presented the agreed citations to the board for approval:

Jamie Mizell RRT- Agreed citation presented for practicing on a lapsed license for approximately 4 months. Ms. Mizell paid the civil penalty and signed the agreed citation. Dr. Lovelady made a motion to accept. Mr. Rooks seconded. Motion carried.

Ja'Quelva Gaines RRT- Agreed citation presented for continuing education violation. Ms. Gaines completed the missing 2 hours, paid the civil penalty and signed the agreed citation. Mr. Powell made a motion to accept. Mr. Davis seconded. Motion carried

Angela Holloway CRT- Agreed citation presented for continuing education violation. Ms. Holloway completed the missing 10.5 hours, paid the civil penalty and signed the agreed citation. Mr. Farmer made a motion to accept. Mr. Rooks seconded. Motion carried

Brenda Allison RCA – Agreed citation presented for continuing education violation. Ms. Allison completed the missing 22 hours, paid the civil penalty and signed the agreed citation. Ms. Braddock made a motion to accept. Mr. Farmer seconded. Motion carried

Tonya Rudy Gunn RRT- Agreed citation presented for continuing education violation. Ms. Gunn completed the missing 24 hours, paid the civil penalty and signed the agreed citation. Mr. Davis made a motion to accept. Ms. Braddock seconded. Motion carried

Casey Leigh Landers RRT- Agreed citation presented for continuing education violation. Ms. Landers completed the missing 2 hours, paid the civil penalty and signed the agreed citation. Mr. Rooks made a motion to accept. Mr. Farmer seconded. Motion carried

Howard Evans RRT - Agreed citation presented for continuing education violation. Mr. Evans completed the missing 4 hours, paid the civil penalty and signed the agreed citation. Mr. Farmer made a motion to accept. Mr. Davis seconded. Motion carried

Stacey Allen RRT - Agreed citation presented for continuing education violation. Ms. Allen completed the missing 2 hours, paid the civil penalty and signed the agreed citation. Mr. Davis made a motion to accept. Mr. Farmer seconded. Motion carried

Kenni Griffin RRT- Agreed citation presented for continuing education violation. Mr. Griffin completed the missing 2 hours, paid the civil penalty and signed the agreed citation. Dr. Lovelady made a motion to accept. Mr. Rooks seconded. Motion carried

Rebecca Lee RRT- Agreed citation presented for continuing education violation. Ms. Lee completed the missing 8.25 hours, paid the civil penalty and signed the agreed citation. Mr. Farmer made a motion to accept. Mr. Rooks seconded. Motion carried

Patricia Western RRT- Agreed citation presented for continuing education violation. Ms. Western completed the missing 22 hours, paid the civil penalty and signed the agreed citation. Dr. Lovelady made a motion to accept. Mr. Davis seconded. Motion carried

Paul Rueff CRT - Agreed citation presented for continuing education violation. Mr. Rueff completed the missing 7 hours, paid the civil penalty and signed the agreed citation. Mr. Davis made a motion to accept. Mr. Farmer seconded. Motion carried

Casey McLearen RRT - Agreed citation presented for continuing education violation. Ms. McLearen completed the missing 12 hours, paid the civil penalty and signed the agreed citation. Mr. Davis made a motion to accept. Mr. Rooks seconded. Motion carried

Michael White RRT - Agreed citation presented for continuing education violation. Mr. White completed the missing 17.5 hours, paid the civil penalty and signed the agreed citation. Dr. Lovelady made a motion to accept. Mr. Farmer seconded. Motion carried

## **Consent Order**

Tracy Alcock presented a consent order against Tommy Shearer. Mr. Shearer agreed to violations to under the Respiratory Care Practice act including immoral, unethical or dishonorable conduct. In response Mr. Shearer agrees to voluntarily surrender is Respiratory Care license effective from the date of entry by the board, and pay the cost of the case. This order holds the same effect as a revocation license and will be reported to the national practitioner databank. Dr. Lovelady made a motion to approve. Mr. Farmer seconded. Motion Carried.

## **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 ten (10) revocations, and one (1) child support order to report.

For the year 2019, the Office received six (6) RRT complaints; one (1) falsification of records, one (1) for drugs, two (2) for unprofessional conduct, one (1) for violation of an order and one (1) for criminal convictions. So far in 2019 investigations has closed zero (5) complaints, two (2) were sent to the office of general counsel for formal discipline, one (1) was closed with no action, one (1) closed with a letter of concern and one (1) closed with a letter of warning and currently have two (2) open complaints under review.

For the year 2019, the Office received five (5) CRT complaints; one (1) for criminal charges, three (3) are for unprofessional conduct and one (1) for criminal conviction. So far in 2019 investigations has closed five (5) complaints; three (3) were closed with no action and two (2) closed with a letter of concern and currently have two (2) open complaints under review. For Respiratory Care Assistants, there are no new complaints and no complaints pending investigation at this time.

## **Financial Report**

Maria McCormick, presented the 2019 year-end financial report as follows:

Total Payroll Expenditures:	\$111, 847.39
Other Expenditures:	\$45, 907.58
Total Direct Expenditures:	\$157, 754.97
Total Allocated Expenditures:	\$66,077.82
Total Yearly Expenditures:	\$223,832.79
LARS improvement:	\$8,755.07
Board Fee Revenue:	\$223,991.03
Current Year Net:	\$158.24

Cumulative Carryover: \$1,065,647.86

Based on year in totals the cumulative carryover does exceed two times the three year average. However, given the decrease in the current year net a fee decrease is not appropriate at this time.

**Applicant Interviews/File Review**

Tracy Alcock reminded the board of the fresh start act.

Jarvis Reed RRT- Applicant appeared before the board for prior convictions on his record. After applicant interview and discussion, Dr. Lovelady made a motion to approve, Mr. Davis seconded. Motion carried.

Claudia Shotts CRT- Applicant appeared before the board by phone for prior convictions on her record. After applicant interview and discussion, Mr. Davis made a motion to approve, Mr. Farmer seconded. Motion Carried

Derek Kitamura RRT- Applicant appeared before the board due to being involved in a settlement during previous employment. After board interview and discussion, Dr. Lovelady made a motion to approve, Mr. Rooks seconded. Motion carried.

Renee Scruggs RRT- Applicant appeared before the board by phone for prior convictions on her record. After applicant interview and board discussion, Dr. Lovelady made a motion to approve, Mr. Farmer seconded. Motion Carried.

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

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

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

**Ratifications**

Mr. Farmer made a motion to approve and seconded by Mr. Davis, to ratify the list of newly licensed, license reinstatements for Certified, Registered Respiratory Therapists, and closed files as follows:

**New Licenses**

**Registered Respiratory Therapists**

Alanazi Osama Mr.  
Alexander Doris Tyreonna

Baumgardner Bradley  
Bearden Teara Genea  
Boxx Jeryl Ann  
Brooms Aubrianna  
Burgess Daniel  
Colter Amanda  
Credeur Michelle Annette  
Daffinson Jacqueline  
Dale Patricia  
Dawson Bruce Dewayne Mr.  
Durham Joe Chadwick  
Elkins Khealsea Ms.  
Finch Jeanie Michelle  
Fournier Michael  
Galnasky Warveen  
Garman Annette Mrs  
Gilbert Brittany  
Goodwin Danielle  
Gorman Kordriques Vanteze  
Harris Mary Ann  
Harville Kovlyn Rae  
Holley Deanna  
Honea Joel Alan RRT  
Hurley Stephanie  
Keeton Michael Thomas  
Lee Jennette Nicole  
Lee Jeremy  
Long Tina  
Martin Amanda Lynn  
Mccollum Jasmine Miss  
Orman Makalah Leann  
Reimondo Steven  
Rios Jesse Jonathan  
Ross Katey Ann  
Ross William Lucas Mr.  
Sandstrom Sr. David John  
Schelde Rachel Jacklynn Miss  
Short Tierra RRT  
Simpson Cassie Jean  
Sulley Paul Jeffery  
Tanaka Christine Yvonne RRT  
Tucker Chelsey  
Turner Chandlar Brielle  
Watson Jacquelyn Denae Mrs.  
Williams Pamela Darlene  
Yarbrough Vicki Mrs

Arnold Ashley Mrs.  
Brake Allison  
Dorin Jennifer Ms.  
Frag Evodia Khalaf  
Rauchle Blair Elizabeth Mrs  
Donovan Cody John  
Gupta Richa Rachel  
Hart Kathrine Elizabeth Ms.  
Hensley Jarvis  
Huckabee Taylor  
Hudgins Shannon  
Norman Bethany Kay  
Nunez Diapme  
Penzol Samantha Kelly  
Wallace Taylor

**Certified Respiratory Therapists**

Culver Haley Culver Miss  
Guenther Samantha  
Hesen Narin Ahmed Mrs.  
Lotfy Abeer  
Maynard Lindsey  
Mills Marie Joy  
Moore Marswaintra Zanshawn  
Okpeyen Nosakhare Prince (Rex)  
Pleasant Rebecca Nichole  
Reynolds Sheila  
Ross William Lucas Mr.  
Sausman Kathleen  
Simpson Cassie Jean  
Smith Ashley Brooke  
Swanson Karley  
Warren Summer Kaybren Ms.  
Whitaker Alexis Patrice  
Johnson Justin Lynn  
Barnette Dania Lashell  
Dennis Shantel  
Hickman Amy Jeanette CRT  
Kibet Nelly Saina  
Price Katena Alexandra

## **Reinstatements**

### **RRT**

Briggs Amanda Estelle  
Mizell Jamie Dorris  
Powell Latoya Rena  
Woolridge Jonathan Jermayne

### **CRT**

Adamson Karen M  
Balluff Leeshay Elizabeth  
Dotson Patricia  
Toro Erwin Ariel

## **Work Permit Issued**

### **RRT**

Bussey Hannah Mrs.  
Chism Hannah  
Forguson Gabrielle Danielle

### **CRT**

Burnes Mikaela

## **Closed Files**

### **RRT**

James Kayla Miss  
Jeness Vincent Miron  
Newell Teresa Marie Mrs. RRT  
Pack Kristin Marie Mrs

### **CRT**

Babb Anettra Latrice  
Reimondo Steven

Motion Past

## **Administrative Report**

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

### **Statistical Report**

Total active licensees as of October 31, 2019:



RRT	CRT	RCA
Active Licensees – 3,725	Active Licensees – 1,250	Active Licensees – 5

Licensing activities from August 10, 2019 through October 31, 2019:

RRT	CRT
New applications received – 81	New applications received – 31
New licenses issued – 41	New licenses issued – 12
Reinstated -4	Reinstated – 3
Registered Poly Endorsement(s) – 0	Certified Poly Endorsement(s) - 0
Number of renewals – paper – 68	Number of renewals – paper – 28
Number of renewals on line – 320	Number of renewals on line – 70
Number of licensees who retired - 7	Number of licensees who retired – 2
Expired – 30	Expired – 23
Closed Files – 4	Closed Files – 2
Upgrades from CRT to RRT- 5	NA
RRT Limited Permit to Full License- 10	CRT Limited Permit to Full License- 5

For RRTs, the number of renewals done online during this period constituted a usage rate of 82%, for CRTs the number of online renewals constituted a usage rate of 71%.

2020 board meeting dates: February 20, 2020, May 14, 2020, August 20, 2020 and November 12, 2020.

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

### **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. A motion was made at the August board meeting requesting the licensee appear before the board to explain her failure to obtain previous CEU's. The board attempted to contact the licensee with further questions. The licensee was not available as previously stated. Mr. Powell made a motion to deny the waiver and proceed with disciplinary action. Dr. Lovelady seconded the motion. Motion carried.

Cristal Payne- Licensee submitted a request to the board asking for permission to retire her license in lieu of disciplinary action due to non-compliance of her 2016-2017 CEU audit. Mr. Powell made a motion to table this discussion until the February 20, 2020 board meeting to gather further information, Ms. Braddock seconded. Motion carried.

Joshua Evans- Licensee submitted a letter requesting guidance on administering a specific drug used during stress tests under the supervision of a physician. After discussion with legal counsel and hearing from the state respiratory organization, Ms. Braddock made a motion to have the board attorney Tracy Alcock respond to the request by referring the licensee to the Respiratory Care Practice Act scope of support, his facility and own legal counsel unless seeking to have a specific advisory opinion that affects himself only. Dr. Lovelady seconded. Motion carried

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

Tracy Alcock presented to the board the revised proposed changes for the delivery of respiratory care equipment rule per concerns presented by TSRC at the November 2018 board meeting. After reviewing changes that were discussed at the August 15, 2019 board meeting and further discussion with the TSRC, the board made a request to have the wording “and infection prevention” added to section (1)(d). Mr. Farmer made a motion to accept the amendments to the rules with the addition to section (1)(d). Dr. Lovelady seconded. Motion carried.

### **Conferences**

Board members discussed their attendance at the AARC congress in New Orleans. The board members discussed the key note speaker discussing the limited participation of therapists. Mr. Farmer elaborated on this to inform the board that it has been passed in his company that they will now pay for or reimburse licensees for their AARC memberships. Ms. Christmon discussed how hospitals are running short staffed on respiratory staff which is causing nurses to have to take on this position without proper training.

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

Tracy Alcock held a brief discussion on the licensing of CRTs. She advised the board that if they wish to proceed with eliminating the CRT new licenses it would require a change to the statute before the Tennessee Legislature. John Williams with the TSRC spoke about discussions that have been held during TSRC meetings and they do not feel this is something that should be done yet. He stated that with possible changes coming from the NBRC this could eliminate the CRT at a national level.

### **Upcoming Conferences**

The board discussed upcoming conferences for the 2020 calendar year and made nominations as follows:

FARB Forum January 23-26, 2020 in Colorado Springs, CO: Dr. Lovelady was nominated to attend. Mr. Farmer made a motion to accept nomination, Mr. Rooks seconded. Motion Carried.

AARC Summer Forum July 13-15, 2020 in Snowbird, UT: Mr. Rooks, Ms. Christmon, and Mr. Powell nominated to attend. Mr. Farmer made a motion to approve. Ms. Braddock seconded. Motion carried.

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Annual Clear Conference September 23-26, 2020 in Seattle, WA: Ms. Braddock, 2 attorneys and 2 administrative staff nominated to attend. Mr. Davis made a motion to approve. Mr. Farmer seconded. Motion Carried

AARC Annual Congress November 14-17, 2020 in Orlando, FL: Mr. Farmer, Mr. Powell, Mr. Davis, Mr. Rooks and an Administrative staff were nominated to go. Ms. Christmon made a motion to approve. Ms. Braddock seconded. Motion carried.

FARB 2020 Regulatory Law Seminar October 1-4, 2020 in Reston, VA: 2 Attorneys and 2 Administrative staff were nominated to go. Ms. Braddock made a motion to approve. Mr. Farmer seconded. Motion carried.


TSRC State Convention March 30-31, 2020 in Memphis, TN: Ms. Braddock, Mr. Farmer, Mr. Powell, 2 attorneys and 1 administrative staff were nominated to go. Ms. Christmon made a motion to approve. Dr. Lovelady seconded. Motion carried.

It was noted that these were nominations for attendance only, and actual attendance would be finalized at a later date.

**Adjournment**

There being no further business, Mr. Powell made to adjourn the meeting. The meeting was adjourned at 12:51 PM.

  
Curtis Powell, Chair  


  
Date