

TN BOARD OF RESPIRATORY CARE MINUTES

Date: November 10, 2021

Time: 9:00 AM Central Time

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

Members Present: Kimberly Christmon
Ray Davis
Robert Farmer, Board Secretary
Craig Rooks, Board Chair
Curtis Powell
Kira Anderson
Linda Braddock

Member(s) Absent: Dr. Gary Lovelady

Staff Present: Kimberly Wallace, Unit 3 Director
Lyndsey Boone, Unit 3 Manager
Danielle DeShane, Board Administrator
Samuel Moore, Assistant General Counsel

Guests Present: Theresa Phillips, TnPAP
Judge Phillip Hilliard

Call to Order

The meeting was called to order at 9:02am Central Time.

Call for Public Comments

Ms. Wallace made an announcement that the Board would hear public comments and directed the attendees to sign in on the register located by the front door and they would be called upon at the appropriate time in the meeting. She reminded the public that the Board may only act on items that are published on this meeting's agenda. Ms. Wallace also noted that any questions or comments can also be submitted in writing to the Tennessee Respiratory Board at 665 Mainstream Drive, Nashville TN 37243 or via email to Unit3HRB.Health@tn.gov.

Conflict of Interest

Mr. Moore presented the Conflict-of-Interest Statement, as follows:

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.

Contested Hearings, Administrative Judge Phillip Hilliard:

Jessica A. Burgin, RRT #5316, Docket No. 17.47-213337A

Ms. Burgin was not present for the hearing. Mr. Powell made a motion to proceed by default, with a second by Ms. Braddock. There was no discussion on the motion. The motion passed unanimously. Respondent was scheduled for a travel assignment in Johnson City, TN where a urine sample was required, and tested positive for marijuana.

Disciplinary Action: Ms. Burgin's license was suspended; Should Respondent obtain TnPAP approved evaluation that recommends a return to practice but does not recommend monitoring with TnPAP the suspension shall be lifted and license shall be placed on probation for a period of 3 years; Assessed costs not to exceed \$10,000.00.

A motion was made by Mr. Powell to adopt the proposed final order as presented by counsel inclusive of edits, with a second made by Ms. Braddock. There was no discussion on the motion. The motion passed unanimously.

Natasha A. Stanley, RRT #4832, Docket No. 17.47-213339A

Ms. Stanley was not present for the hearing. Mr. Farmer made a motion to proceed by default, with a second by Ms. Christmon. There was no discussion on the motion. The motion passed unanimously. Respondent was scheduled for a travel assignment in Tennessee where a urine sample tested positive for opioids.

Disciplinary Action: Ms. Stanley's license was suspended; Should Respondent obtain a TnPAP approved evaluation that recommends a return to practice but does not recommend monitoring with TnPAP the suspension shall be lifted and license shall be placed on probation for a period of 3 years; Assessed costs not to exceed \$10,000.00.

A motion was made by Mr. Powell to adopt the proposed final order as presented by counsel inclusive of edits, with a second made by Ms. Braddock. There was no discussion on the motion. The motion passed unanimously.

John J. Moore, CRT #5656, Docket No. 17.47-213338A

Mr. Moore was not present for the hearing. Mr. Farmer made a motion to proceed by default, with a second by Mr. Davis. There was no discussion on the motion. The motion passed unanimously.

The respondent, a respiratory therapist in Nashville, TN, was observed by a nurse using a syringe to withdraw medication from the intravenous tubing of a patient’s propofol drip, and when the respondent noticed he was being observed, attempted to hide the syringe. Managing a propofol drip is outside of the scope of practice for the respondent, and when questioned by his supervisor, Respondent admitted to taking a friend’s oxycodone the same night.

Disciplinary Action: Mr. Moore’s license was revoked; Assessed civil penalties in the amount of \$500.00; Plus costs not to exceed \$10,000.00.

Mr. Powell made a motion to approve the proposed order as presented by counsel inclusive of Mr. Moore’s license to be revoked. Mr. Farmer seconded. There was no discussion on the motion. The motion passed unanimously.

A break was called, and the meeting was called back to order at 12:43 p.m.

Approval of Minutes

Ms. Braddock made a motion to approve the Minutes from the August 19, 2021, Board Meeting as written. A second was made by Ms. Anderson. There was no discussion on the motion. The motion passed unanimously.

Financial Report

Mr. Matthew McSpadden, the Fiscal Manager for the Division of Health Licensure and Regulation presented the July 1, 2020- June 30, 2021 FY2021 Financial Report with highlights as follows:

- Total Expenditures: \$204,465.51
- Board Fee Revenue: \$258,277.74
- Current Year Net: \$53,812.23
- Cumulative Carryover: \$1,051,343.79

Investigative/Disciplinary Report

The disciplinary coordinator was not able to attend the meeting, so Ms. Wallace presented the report as follows:

Registered Respiratory Therapists

Actively Monitored	12
Closed Complaints	6

Total New Complaints	8
Falsifying Records	1
Unprofessional Conduct	3
Lapsed License	3
Continuing Education Violation	1

Certified Respiratory Therapists

Actively Monitored	15
Closed Complaints	4

Total New Complaints	3
Unlicensed Practice	2
Unprofessional Conduct	1

Respiratory Care Assistants

Total New Complaints	1
Unlicensed Practice	1

Tennessee Professional Assistance Program Report (TnPAP)

TnPAP Representative, Ms. Theresa Phillips, was present to provide their report for July 1, 2021 to September 30, as follows:

Monitoring- Non-regulatory	3
Referrals	1
Agreements Activated	1
Discharges	2

Legislative Report

There was not a legislative report to be presented at this meeting.

Administrative Report

Board Administrator, Ms. Danielle DeShane, presented the Administrative Report, as follows:

Active Licensees as of October 27, 2021:

RRT	CRT	RCA
Active Licensees- 3,953	Active Licensees- 1,205	Active Licensees- 2

Licensing activities from August 2, 2021 through October 27, 2021:

RRT	CRT
New licenses issued – 50	New licenses issued – 25
Reinstated - 10	Reinstated - 6
Registered Poly Endorsement(s) - 0	Certified Poly Endorsement(s) - 0
Number of renewals – paper - 58	Number of renewals – paper – 18
Number of renewals online - 392	Number of renewals online – 78
Number of licensees who retired - 5	Number of licensees who retired – 3
Number of licenses that expired - 40	Number of Licenses that expired – 44
Closed Files - 13	Closed Files - 5
Upgrades from CRT to RRT- 6	N/A
RRT Limited Permit to Full License – 11	CRT Limited Permit to Full License- 2

For Registered Respiratory Therapists, the number of renewals online during this period constituted a usage rate of 87%. For Certified Respiratory Therapists the number of online renewals constituted a usage rate of 81%.

Ms. DeShane presented the dates for the 2022 Board Meetings as follows: February 24, 2022, May 26, 2022, August 18, 2022, and November 10, 2022.

Ms. Wallace reminded licensees to use a permanent ongoing email address instead of a school or work email address to ensure that the email address remains active on the licensure account.

Office of General Counsel Report

Agreed Citations

Mr. Moore presented the following Agreed Citations to the Board for approval:

Garrett, Christopher, CRT #3372 - Lapsed License

Mr. Garrett practiced on a lapsed license for approximately two (2) months and has agreed to pay the civil penalty of one hundred (\$100) dollars per month of practice on lapsed license. Mr. Farmer made a motion to approve the agreed citation. Mr. Davis seconded. There was no discussion on the motion. The motion passed unanimously.

Kirk, Joseph, CRT #7273 - Lapsed License

Mr. Kirk practiced on a lapsed license for approximately five (5) months and has agreed to pay the civil penalty of one hundred (\$100) dollars per month of practice on lapsed license. Mr. Powell made a motion to approve the agreed citation. Mr. Farmer seconded. There was no discussion on the motion. The motion passed unanimously.

Basinger, Donna, RRT #1277- Continuing Education Violation

Ms. Basinger was short one and a half hours (1½) of continuing education for calendar 2018 and has agreed to make up the hours she was short along with an additional five (5) hours. She has also agreed to pay the civil penalty of three hundred (\$300) dollars. Ms. Christmon made a motion to approve the agreed citation. Mr. Davis seconded. There was no discussion on the motion. The motion passed unanimously.

Bise, Jennifer, CRT #4787 - Continuing Education Violation

Ms. Bise was short twelve (12) hours of continuing education for calendar 2018 and has agreed to make up the hours she was short along with an additional five (5) hours. She has also agreed to pay the civil penalty of three hundred (\$300) dollars. Ms. Christmon made a motion to approve the agreed citation. Mr. Powell seconded. There was no discussion on the motion. The motion passed unanimously.

Edenfield, Debbie, CRT #3797- Continuing Education Violation

Ms. Edenfield was short five (5) hours of continuing education for calendar 2018 and has agreed to make up the hours she was short along with an additional five (5) hours. She has also agreed to pay the civil penalty of three hundred (\$300) dollars. Mr. Farmer made a motion to approve the agreed citation. Mr. Davis seconded. There was no discussion on the motion. The motion passed unanimously.

Toussant, Joseph, CRT #6256 - Continuing Education Violation

Mr. Toussant was short twelve (12) hours of continuing education for calendar 2018 and has agreed to make up the hours he was short along with an additional five (5) hours. He has also agreed to pay the civil penalty of three hundred (\$300) dollars. Mr. Powell made a motion to approve the agreed citation. Ms. Christmon seconded. There was no discussion on the motion. The motion passed unanimously.

Applicant Interviews/File Review

There were no applicant interviews or files to be reviewed at the meeting.

Ratifications

Ms. Wallace informed the Board that the following files 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. Mr. Powell seconded. There was no discussion on the motion. The motion passed unanimously.

RRT

Achoka Dennis Motari Mr
Alhashim Ayah

Applegate Nathan Andrew
Baeza Brandon

Bailey Vennie Karen
Baker Morgan
Battah Mohammad
Boshra Nancy
Brown Laquita Latrice
Brown Matthew
Crosthwaite Christy Lee
Duron Danielle Rene
Ebner Dean V
Farmer Darren Blake Mr.
Ferguson Abigail
Follin Toni
Garcia Rickilee
Helton Emmakate
Iaguessa Carl Michael
Jackson Robert
King Patrick Isaac Mr.
Ladosky Sherry Mrs.
Lindemann Pamela

Martinez Jackson Grant
Mcfarland Hannah
Musick Madison CRT
Pace Taylor
Pelaez Deysy
Perry Tina Marie
Pushor Leslie
Reynolds Brandon Joseph
Rust Jason W.
Scott Jacob
Sorensen Kayb
Tariq Naman
Taylor La'Kihya Brielle Ms.
Thompson Elizabeth
Tuthill Megan Renee
Vega Joshua
Vollmer Nathaniel

CRT

Alabdali Mashael
Anderson Satina
Babiry Koheen
Basile Douglas
Bradford Ella Colleen
Bryant Lisa Faye
Cox Allison
Davis Danielle Cindra Ms
Gardner William Joseph MR
Gordon Dylan Ross
Haji Renas
Hicks Eric Stephen

Knipper Valerie Brooke
Loftis James
Long Alycia
Poaipuni Maria Carisa Pasive
Saulsberry Wakaia
Thomas Aaron
Thomas Jessica Pamela
Williams Brandy Wadene
Williams Sheila Ann
Wilson Lori Michelle
Wilson Pearlina

Reinstatements

Colburn Tracy Scitzs
Johnson Justin Lynn
Kirk Joseph Dehaven Jr Mr
Le Vells Mi Leah
Mathews Melody Suzanne
Taylor Jessica Lynn

Tatum Melissa Dawn
Bales David A
Brooks Charlie G JR
Conway Shatoria Lorene
Del Valle Nicholle D
Dunlap Karena

Mcmillan Mary G.
Napier Dustin Wayne
Sanford Aja Gordon

Snedecor Darla Denise
Warren Grace Alice

Polysomnography Endorsement

Work Permits Issued

Lewis David Wayne
Martinez Sabrina A.
Pool Megan Elizabeth RRT
Snyder Lane Alice

Swinger Monnesha Errin
Tarrance Aleisha Ms.
Sharp Dana

Closed Files

Anderson Loretta
Brown Laquita Latrice
Coleman Michael John
Dubroc Rachel
Franklin Taylor Rae
Kotowski Daniel
Mclin Sandra Faye Mrs
Mcneil Ashley Elizabeth
Mesfun Mahta

Murphy Kiara Rai
Reyes Michael
Staton Alex
Templin Rachael A Ms.
Clark Christa Ms
Colon David Mr
Exito Joheris mr
Hall Lara M Ms.
Mccorkle Sean

Taskforce/Committee Reports

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

Rulemaking Hearings, Rule Amendments, and Policies

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

Correspondence

Ms. Donna Marshall sent in a letter seeking clarification over whether venipunctures for phlebotomy and leaving in an INT would be within scope of practice under TCA 63-27-102(4)(A)(b). The Board felt that the letter did not provide enough information to issue an opinion and recommended Ms. Marshall submit an official advisory opinion request form to pursue a response on this matter.

Conferences

FARB Regulatory Law Seminar- Fort Worth, TX January 27-29, 2021

FARB will be offering both in-person opportunities as well as virtual options for this conference. Mr. Farmer made a motion to sponsor Ms. Wallace's virtual attendance and sponsor Ms. Christmon and Ms. Braddock's in-person attendance. Mr. Powell seconded the motion. There was no discussion on the motion. The motion passed unanimously.

Discuss Old and New Business

There was no old business or new business to be discussed during this meeting. Ms. Wallace reminded the Board that if there are any topics or items a Board Member would like to request the Board to include on a future agenda, this would be their opportunity to make that request.

Election of Officers

Mr. Powell made a motion to keep Mr. Rooks in the office of Board Chair and Mr. Farmer in the office of Board Secretary for this election period. Ms. Braddock seconded. There was no discussion on the motion. The motion passed unanimously.

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, Ms. Christmon made a motion to adjourn at 1:42pm CST. A second was made by Mr. Farmer. There was no discussion on the motion. The motion passed unanimously.

These Minutes were ratified by the Board on February 24, 2022.



Craig Rooks, Chair

2-24-22

Date