

Board of Respiratory Care Minutes

Date: November 15, 2018

Time: 9:00 AM Central Time

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

Members Present: Winston Granville, RRT, Chair
L. Gail Braddock, Consumer Member
Jeffery Craig Rooks, RRT
Robert E. Farmer, RRT
Curtis D. Powell, RRT
Kimberly Christmon, RRT, Secretary

Member(s) Absent: Lisa Caldwell, RRT
Gary Keith Lovelady, MD

Staff Present: Michael Sobowale, Unit Director
Mary V. Webb, Board Manager
Tracy Alcock, Assistant General Counsel
Noranda French, Finance Officer
Rachel Foutch, Office of Investigations

Guests Present: David Johnson, Representative, Tennessee Society for Respiratory Care
Susan Parsons, Representative, Tennessee Society for Respiratory Care
Darin Brandt, Representative, Tennessee Society for Respiratory Care
John Williams, Representative, Tennessee Society for Respiratory Care

Call to Order:

After the roll call and with a quorum being present, Mr. Granville called the meeting to order at 9:10 A.M.

Approval of Minutes

After a review by the board, a motion was made by Mr. Powell, seconded by Mr. Rooks, to approve the minutes of the August 16, 2018 board meeting as written. The motion carried.

Office of General Counsel Report

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

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.

Rules

Ms. Alcock reminded the Board about the board's rule amendment regarding the license renewal fee decrease from \$100 to \$75 that went into effect on May 15, 2018.

Litigation

OGC does not currently have any open cases pertaining to the Respiratory Care Board.

Agreed Citation

Kristy Headrick, RRT, License Number 3488 - Ms. Alcock presented the board with an Agreed Citation on Kristy Lee Ann Headrick for practicing on a lapsed license for approximately two (2) months. Mr. Powell made a motion, seconded by Mr. Rooks, to approve the Agreed Citation. The motion carried.

Order of Compliance

Charm Sullivan, RRT, License Number 4804 – Ms. Alcock presented the board with an Order of Compliance on Charm Sullivan. Ms. Sullivan has satisfactorily completed all necessary requirements as set forth by the Board. Mr. Powell made a motion, seconded by Mr. Rooks, to approve the Order of compliance. The motion carried.

Investigative/Disciplinary Report

Rachael Fouch, Representative from the Office of Investigations, presented the investigative and monitored disciplined practitioners report as follows: For the monitored disciplined practitioners, there are seven (7) practitioners under probation, four (4) are suspended, and three (3) under a board order.

Also, there were eleven (11) revocations, two (2) Tennessee Student Assistance Corporation (TSAC) suspensions, and one (1) child support suspension to report.

For the investigations report, the Office has received five (5) new complaints in 2018. These complaints consist of one (1) drug violation allegation, one (1) for a lapsed license, one (1) for unprofessional conduct, and two (2) for criminal convictions. The total closed complaints for the year in 2018 are eight (8); three (3) of those complaints were closed in investigation and sent to the Office of General Counsel for discipline, three (3) were closed without sufficient evidence of discipline, one (1) was closed with a Letter of Concern, and one (1) was closed with a Letter of Warning. Currently there are three (3) RRT complaints that are pending investigation.

So far in 2018, the Office received two (2) CRT complaints; one (1) is for drug diversion and one (1) for criminal charges. Currently, there are two (2) open complaints under investigation. For Respiratory Care Assistants, there are no new complaints and no complaints pending investigation at this time.

Financial Report

Noranda French, Finance Officer, gave the financial report for Fiscal Year ending June 30, 2018. Total direct expenditures were \$134,332.51 and the board generated revenue fees in the amount of \$274,006.00, leaving a current year net total of \$68,037.22. The board's portion of the LARS Improvement project totaled \$27,098.73, leaving the board with a cumulative carryover balance of \$1,074,244.68.

Applicant Interviews/File Review

Brooke Rominger - Ms. Rominger was present. Ms. Rominger's criminal background check revealed a past criminal conviction for Reckless Driving. Ms. Rominger addressed the board about the circumstances related to her conviction.

After review and a discussion by the board, a motion was made by Mr. Farmer, seconded by Mr. Powell, to approve Ms. Rominger's for licensure as a Registered Respiratory Therapist. The motion carried.

Bettina Annette Dover - Ms. Dover was present. Her application was presented to the board due to a Misdemeanor Endangerment conviction. Ms. Dover addressed the board concerning the circumstances related to her convictions.

After review and a discussion by the board, Mr. Farmer made a motion, seconded by Mr. Rooks, to approve Ms. Dover for licensure as a Registered Respiratory Therapist. The motion carried.

Brittany Leeann Vanhoozer, RRT- Ms. Vanhoozer was present. Her application was presented to the board due to a criminal conviction in 2013 in Fayette Co., Tennessee for Driving under the Influence (DUI) that was reported on her criminal background check. Ms. Vanhoozer answered "No" to the

question of any past criminal conviction. Ms. Vanhoozer addressed the board concerning the circumstances related to her convictions and her response to this question on the application form.

After a review of her file and questioning by the board, Mr. Powell made a motion, seconded by Mr. Farmer, to approve Ms. Vanhoozer for licensure as a Registered Respiratory Therapist. The motion carried.

Earnest Bledsoe, Jr. – Mr. Bledsoe was present. His application was presented to the board due to a felony conviction of setting a fire at his home in 2004. This felony appeared on Mr. Bledsoe’s criminal background check in 2009 when he applied for an upgrade to a registered respiratory license. The license was denied at that meeting. Mr. Bledsoe addressed the board concerning the circumstances related to his conviction.

After review and discussion by the board as to how the Fresh Start Act relates to Mr. Bledsoe’s criminal conviction, a motion was made by Mr. Powell, seconded by Ms. Braddock, for Mr. Bledsoe to be approved for an RRT license on the following conditions: 1) that he submits paperwork pertaining to his criminal conviction history to the Board within thirty (30) days to be used in updating his CRT licensure file, 2) submit a written statement of his felony conviction so that it can be documented as a complaint against his Certified Respiratory Therapist license, 3) complete payment of restitution as ordered by the court of conviction, and 4) petition the Board for an Order of Compliance to remove conditions upon completion of terms as ordered by the Board. The motion carried.

David M. Lowrie – Mr. Lowrie was present. His application file was presented to the board due to not being able to obtain an official transcript from Flagler Career Institute, in Jacksonville, FL due to the school closing in 1998. Mr. Lowrie addressed the board concerning his transcript and explained that he had taken the National Board of Respiratory Care examinations and successfully passed them, and he provided a copy of his diploma from Flagler Career Institute.

After review and a discussion by the board, Mr. Farmer made a motion, seconded by Ms. Christmon, to approve Mr. Lowrie for licensure as a Registered Respiratory Therapist. The motion carried.

Rachel L. Ellenburg – Ms. Ellenburg was present. Her application file was presented to the board due to a Battery of Child conviction in 2008. Ms. Ellenburg addressed the board concerning the circumstances related to her conviction.

After review and a discussion by the board, Mr. Farmer made a motion, seconded by Mr. Powell, to approve Ms. Ellenburg for licensure as a Registered Respiratory Therapist. The motion carried.

Tennessee Professional Assistance Program Report (TnPAP)

Elaine Eaton, TnPAP Administrator Director, presented the board’s activity report from July 1, 2018 to September, 2018 as follows:

Monitoring- Non-regulatory	2
Referrals - from TNDH.	1
Closed Cases	0

Ratifications

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

RATIFICATION LIST FOR NEWLY LICENSED, REINSTATEMENTS, CLOSED FILES FROM AUGUST 13, 2018-
NOVEMBER 9, 2018

New Licenses

3747 Abdullah Nirgez Sabri
3747 Alford Pagie Victoria
3747 Blue Crystal Monik Mrs.
3747 Boggan Traci Le Anne RRT
3747 Bray Lauren Elizabeth RRT
3747 Brown Jonathan
3747 Chambers Summer Elizabeth
3747 Cody Erin Marie
3747 Colin Iniesta Laarni
3747 Collins Rachael
3747 Cook Kaitlyn
3747 Damron Samantha
3747 Davidson Brent L
3747 Davis Emily Reanne
3747 Drake Randy Craig Mr.
3747 Dunlap Karena
3747 Estes Christopher Wayne Mr.
3747 Finley Lorie
3747 Galnasky Lulav
3747 Gardner Kacie Renee CRT
3747 Gibson Debra Michelle
3747 Gill Sheila Anne Ms
3747 Guerrero Zurisaday
3747 Hancock Derrick Wade
3747 Henderson Conner
3747 Herron Chelsey Noel
3747 Hix Stephanie
3747 Holland Chase Allen
3747 Ingersoll Mary Ellen
3747 Jarrett Deandra Hunter Miss
3747 Johnson Terrence
3747 Jones Caycee Anne
3747 Kindle Drew Steven Mr.

3747 Kirkland Felicia Diane
3747 Kline Debra Lee
3747 Kumbhani Harshida Ms.
3747 Laster Melinda Annette Mrs
3747 Lee Han
3747 Lockwood Serrina
3747 Lovett Linda Carrie Ms.
3747 Lucas Lindsey
3747 Lunn Caytlin
3747 Mabery Alison Nickie Ms
3747 Marotti Isabella Marie Miss
3747 Mcafee Narda
3747 Mcconathy Morgan Dianne Ms
3747 Mccue Jordan
3747 Melo Lori Ann
3747 Moses Amanda Marie
3747 Motsinger Elizabeth
3747 Mowery Susanna
3747 Musa Nazdar Mustafa
3747 Overall Sydney Nicole RRT
3747 Parker Jessica A
3747 Parten Jennifer Cea Mrs.
3747 Pipkin Kimberly
3747 Quigley Zachary
3747 Riley Kelly Annette
3747 Robinson James Andrew
3747 Rusinek Miranda Jean
3747 Smith Pauline Y
3747 Sneyd Joseph Andrew
3747 Stubblefield Allison Renee
3747 Sutton Savannah Michelle Ms
3747 Tally Jasmyne Kiara RRT
3747 Taylor Cristen Brianna
3747 Taylor Janina M. RRT
3747 Tidwell Amberly Whitehead
3747 Vanmeter Melanie Hope
3747 Wade Shanetta Marie
3747 Whitaker Erica Lynnese
3747 Whitaker Kaleb
3747 White Hailey
3747 White Judy Devonice Mrs.
3747 Wilson Jacqueline
3747 Wise Lauren Joelle Ms

3747 Zamenski Andrew
3750 Blue Crystal Monik Mrs.
3750 Boman Tina Lynn
3750 Gardner Kacie Renee CRT
3750 Garvin Christian N Ms.
3750 Goodman Jaime E CRT
3750 Heard Corey Douglas CRT
3750 Horne Laura Denise
3750 Houston Nasheika Shavay Mrs.
3750 Jarrett Deandra Hunter Miss
3750 Lovett Linda Carrie Ms.
3750 Mccarroll Kenzie Brooke
3750 Mccoy Lindsey Ms.
3750 Settles Angel Laneice Ms.
3750 Suroviak Paige
3750 Vanmeter Melanie Hope

Reinstatement(s)

RRTs

Barjon Magdala
Beckley Antoinette Monique
Bilyeu Steve R RRT
Cervantes Latesea
Davidson Lori Jean
Fain Daniel Anthony
Farmer Alisha Marie RRT
Hart-Fortson Yolanda Lynnell
Headrick Kristy Leeann RRT
Palumbo Tabetha Ann RRT
Riddle Chad Elliot
Stanley Natasha Alexander RRT
Steffner Edward B JR
Williams Mary Dian
Wrubleski Anthony Marc RRT

CRTs

Carranza Penny Mears CRT
Moore Gwen Louise
Phillips Misty Mathes CRT

CLOSED FILES

3747	Lic Registered Respiratory Therapist	Bledsoe Earnest W. JR.
3747	Lic Registered Respiratory Therapist	Brawner Destiny Kay RRT
3747	Lic Registered Respiratory Therapist	Brown Gregory James Mr.
3747	Lic Registered Respiratory Therapist	Butler Joyce E
3747	Lic Registered Respiratory Therapist	Chau Jeanine Ellen RRT
3747	Lic Registered Respiratory Therapist	Ellenburg Rachel
3747	Lic Registered Respiratory Therapist	Harrison Hunter Andrew Mr
3747	Lic Registered Respiratory Therapist	Hartline Richard Eugene mr
3747	Lic Registered Respiratory Therapist	Mazza Carlotta
3747	Lic Registered Respiratory Therapist	Rominger Brooke
3747	Lic Registered Respiratory Therapist	Tate Dawna
3747	Lic Registered Respiratory Therapist	Thomson Celeste
3747	Lic Registered Respiratory Therapist	Watts Alayna
3750	Lic Certified Respiratory Therapist	Brown Gregory James Mr.
3750	Lic Certified Respiratory Therapist	Filtz Carrie Beth
3750	Lic Certified Respiratory Therapist	Giller Todd Martin CRT
3750	Lic Certified Respiratory Therapist	Sutton Savannah Michelle Ms

The motion carried.

Administrative Report

Mary V. Webb, Board Manager, presented the administrative report as follows:

Statistical Report

The following are the total active licensees as of November 9, 2018:

RRT	CRT	RCA
Active Licensees – 3633	Active Licensees – 1301	Active Licensees – 7

Licensing activities from August 13, 2018 through November 9, 2018:

RRT	CRT
New applications received - 65	New applications received - 41
New licenses issued – 68	New licenses issued – 15
Reinstated - 15	Reinstated - 3
Registered Poly Endorsement(s) - 0	Certified Poly Endorsement(s) -0
Number of renewals – paper - 94	Number of renewals – paper - 32
Number of renewals on line - 316	Number of renewals on line - 125
Number of licensees who retired - 8	Number of licensees who retired – 4
Number of licenses that expired - 48	Number of Licenses that expired – 25
Closed Files - 13	Closed Files - 4
Upgrades from CRT to RRT- 3	NA
RRT Limited Permit to Full License - 18	CRT Limited Permit to Full License- 3

Ms. Webb reported that due to a coding error when the online renewals went live on May 22, 2018, the system to calculate the percentages of online renewals are incorrect and not available at this time. For this reason, the number of renewals online for RRTs and CRTs during this period constituted a usage rate of 0%.

Meetings and Conferences

Ms. Webb reported that the FARB Conference will be held in New Orleans, LA from January 24-27, 2019. The Board did not receive a nomination for attendance.

There were no amendments to make to the list of previously approved nominees to attend listed conferences.

Board Members

All board positions have been filled.

Correspondence

Jeri Tenile Padgett, RRT #5701– Ms. Padgett was not present. Her request for a waiver of her continuing education hours for 2016 and 2017 was presented to the board for a decision due to health issues.

After review and discussion by the Board, Ms. Christmon made a motion, seconded by Ms. Braddock, to approve her waiver request for the continuing education hours due for the 2016 and 2017 CE audit. The motion carried.

New Legislation

There was no new legislation to report.

Rulemaking Hearings, Rule Amendments, and Policies

Tracy Alcock, Assistant General Counsel, explained to the board that a Health Related Board rulemaking hearing will need to take place to bring current board rules in line with legislation in Public Chapter 763, 2016 which required boards to reinstate an expired license upon payment of a renewal fee as set by the board, which may not exceed twice the renewal fee.

Ms. Braddock made a motion, seconded by Ms. Christmon, to approve the rulemaking hearing. The motion carried.

Report from conference (s)/Meeting(s) attended since the last board meeting

- 1. TSRC Meeting, Chattanooga, TN** - Tracy Alcock, board advisory attorney, attended the TSRC meeting on October 5, 2018 in Chattanooga, Tennessee. She presented a slide that she discussed at the meeting which contained the board's history and make-up of board members who are appointed by the Governor. Her presentation also contained the board's duties and responsibilities, the number of board meetings that the board is statutorily mandated to convene in a year, and the type of discussions that are permissible at the meeting. She also discussed the board's rules and statutes, and the types of disciplines that the board can impose on a violator. Ms. Alcock thanked the board for allowing her to attend the meeting.
- 2. FARB Regulatory Law seminar, Portland, OR** - Mr. Sobowale discussed his experience from attending the Federation of Regulatory Boards (FARB) Regulatory Law Seminar which held from September 27-29, 2018 in Portland, Oregon. Of particular note was the discussion on legal ramifications surrounding confidentiality of license applicants' information, scope of practice vs. standard of care, and the erosion of agency deference known as 'Chevron Deference' established by the Supreme Court in the case of Chevron U.S.A. Inc. v. Natural Resources Defense Council, 467 U.S. 837 (1984). Mr. Sobowale thanked the Board for allowing him to attend the conference.

Discuss Old and New Business

David Johnson, representative of the Tennessee Society for Respiratory Care (TSRC) was present to address the board regarding concerns that have arisen about complaints that some home health care technicians have been performing practices that should in fact be executed by a licensed respiratory care therapist. Mr. Johnson stated that the state association is in the process of writing suggestive changes to the Practice Act to address this issue. The revisions being proposed to Rule 1330-01-.03 is intended to add clarity to what a non-licensed delivery person is permitted to do and cannot do.

Susan Parsons, President, Tennessee Society for Respiratory Care (TSRC) and Director of the Respiratory Care Department at St. Francis Hospital, Memphis was also present. She solicited the support of the Board for coming up with ideas to ensure that standards of practice are being upheld in the profession, and that individuals who are assisting the patients are working in a safe manner. Ms. Alcock stated that unlicensed practice is a violation, and violators, even if unlicensed, might be required to pay a fine. Ms. Parsons also enquired whether Directors of healthcare facilities are required to report disciplined individuals to the board and whether there are any specific rules that apply to this. It was discussed that any malpractice or report of bad behavior by employees are to be reported to the board. The consequence of not reporting such incidences can jeopardize the safety of patients and any future employer can be exposed to additional liability. John Williams, Tennessee Society for Respiratory Care (TSRC), and Darin Brandt, Tennessee Society for Respiratory Care, also shared their comments and concerns relative to this topic.

After discussion between the Board and representatives from TSRC, Ms. Alcock suggested that a red-lined draft of revised rules should be prepared as discussed, to be presented for discussion at the next scheduled board meeting. In line with this suggestion, Mr. Rooks made a motion, seconded by Ms. Christmon, to approve for a red-line draft of revised rules as discussed to be presented at the next board meeting. The motion carried.

Mr. Robert Farmer brought up the subject of certified respiratory therapists becoming supervisors and supervising registered respiratory therapists and what can be done to put a stop to this practice. Ms. Alcock stated that the board could not implement such a rule or policy. Mr. David Johnson stated that the subject came up on discussions held at the national level and that NBRC is considering eliminating the CRT credential; however, it would take some time to change the law. The Board did not take any action on this topic.

Adjournment

There being no further business, Ms. Braddock made a motion, seconded by Mr. Powell, to adjourn the meeting. The meeting was adjourned at 1:10 PM.

Winston Granville, Chair

Date

These minutes were ratified at the February 21, 2019 Board Meeting