



### **Applicant Interview(s)**

**Bart L. Elgin** – Mr. Bart Elgin was invited to appear before the Committee because he was previously engaged in the unauthorized practice of polysomnography. Mr. Elgin did not appear. Ms. Bratton informed the Committee that Mr. Elgin was cited for practicing polysomnography without a license in violation of TENN. CODE ANN. § 63-31-106. He has agreed to the terms of an agreed order which was presented to the Committee for consideration during this meeting. After a brief discussion of the facts of Mr. Elgin’s application and discipline, Mr. Donaldson made a motion to approve Mr. Bart Elgin’s application. Mr. Vogt seconded the motion. The motion passed unanimously.

**Kevin W. Elgin** –Mr. Kevin Elgin was invited to appear before the Committee because he was previously engaged in the unauthorized practice of polysomnography. Mr. Elgin did not appear. Ms. Bratton informed the Committee that Mr. Elgin was cited for practicing polysomnography without a license in violation of TENN. CODE ANN. § 63-31-106. He has agreed to the terms of a consent order which was presented to the Committee for consideration during this meeting. After a brief discussion of the facts of Mr. Elgin’s application and employment, Mr. Donaldson made a motion to approve Mr. Kevin Elgin’s application. Mr. Vogt seconded the motion. This motion passed unanimously.

### **Office of Investigation & Disciplinary Report**

Ms. Nichelle Dorroh reported that there is one (1) case pending in the Office of Investigations as of October 28, 2014. There are three (3) polysomnography technologists currently being monitored by the disciplinary coordinator.

### **Office of General Counsel**

Ms. Bratton informed the Committee that as of October 28, 2014 there were three (3) disciplinary cases pending in the Office of General Counsel. Ms. Bratton informed the Committee that two (2) of the three (3) have signed Consent Orders to be presented to the Committee at this time. Ms. Mary Bratton stated the Committee does not have any drafted rules at this time.

Mary Bratton presented the following consent orders to the Committee:

#### **Consent Order(s)**

**Kevin W. Elgin** – Mr. Elgin was not present nor was he represented by counsel. Ms. Mary Katherine Bratton appeared on behalf of the State of Tennessee Department of Health. Pursuant to the terms of the order, Mr. Kevin Elgin must pay eighteen (18) type B civil penalties, representative of his forty-six (46) months of unlicensed practice plus costs. The civil penalties shall be in the amount of one hundred dollars (\$100.00) each, for a total civil penalty of four thousand six hundred dollars (\$4,600.00). The maximum amount for the assessment of costs shall be five hundred dollars (\$500.00). Mr. Kevin Elgin understands that this is a formal disciplinary action and will be reported to the

Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. Mr. Donaldson made a motion to accept the consent order as written and Mr. Vogt seconded the motion. The motion carried.

**Cynthia Woods** – Ms. Woods was not present nor was she represented by counsel. Ms. Mary Bratton appeared on behalf of the State of Tennessee Department of Health. Pursuant to the terms of the order, Ms. Woods must pay eighteen type B civil penalties, representative of the sixteen (16) months of practicing polysomnography without an RPSGT credential plus costs not to exceed three hundred dollars (\$300.00). The civil penalties shall be in the amount of one hundred dollars (\$100.00) each, for a total civil penalty of one thousand six hundred dollars (\$1,600.00). Ms. Cynthia Woods understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. Mr. Donaldson made a motion to accept the consent order as written and Mr. Vogt seconded the motion. The motion carried.

Mary Bratton presented the following agreed citation to the Committee:

**Agreed Citation(s)**

**Bart L. Elgin** – Mr. Elgin was not present nor was he represented by counsel. Ms. Mary Bratton represented the Tennessee Department of Health and presented the agreed citation to the Committee for review. Mr. Bart Elgin admitted to engaging in the practice of polysomnography without a license in violation of TENN. CODE ANN. 63-31-106(a)(1). Pursuant to the terms of the order, Mr. Elgin has agreed to pay a civil penalty of fifty dollars (\$50.00) per month for each month of unlicensed practice for a total of one thousand three hundred and fifty dollars (\$1,350.00). Mr. Donaldson made a motion to approve the agreed citation. Mr. Vogt seconded the motion. The motion carried.

**Ratification of New Licenses & Reinstatements**

Mr. Donaldson made a motion to approve the new licenses, temporary permits and expired licenses. Mr. Vogt seconded the motion. The motion carried.

**Manager's Report**

Ms. Stacy Tarr reported that between May 1, 2014 and September 30, 2014 that there were 27 new applications received in the administrative office and 21 new licenses issued.

**Total New Licenses Issued**

Technologist (Full)	17
Technicians (Temporary)	4
Trainee	0

Number of Renewals            97  
Online Renewals                75  
Percentage of renewals on-line 77%

The total number of active licensees as of September 30, 2014 is 553.

### **Continuing Education Audit**

Ms. Tarr reported on the activities in the CE Compliance Unit between the months of January through December 2013. Ms. Tarr informed the Committee that seven (7) licensees were audited and six (6) were in compliance: an eighty-six percent (86%) compliance rate. Ms. Tarr also informed the Committee that one (1) licensee failed to contact the compliance unit after receiving a second notification audit letter via certified mail.

### **Board Business**

Mr. Scott Vogt volunteered to become the new consultant in reviewing case files for Office of General Counsel. Mr. Donaldson seconded the motion. This motion passed unanimously.

Mr. Vogt also discussed the issues regarding attachment 4 supervision notification form with new graduates seeking employment. Mr. Vogt sought clarification as to whether a physician must sign the attachment 4 “supervision notification” or whether a polysomnography technologist is authorized to complete this form. The attachment 4 of the application and rules were examined at the time of the meeting for clarification. The attachment 4 indicates that a physician or technologist may complete the form.

**Adjourned 10:00**

**These minutes were ratified by the Committee May 12, 2015**