

Board of Respiratory Care Minutes

Date: May 12, 2016

Time: 9:00 a.m. C.S.T.

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

Members Present: Lisa Caldwell, RRT, Secretary
Jeffrey P. McCartney, MD
Winston Granville, RRT
Kimberly Christmon, RRT
L. Gail Braddock, Consumer Member

Members Absent: John Schario, Hospital Administrator
Anna Ambrose, Chair
Troy Hamm, RRT

Staff Present: Michael Sobowale, Board Director
Mary Webb, Board Administrator
Tracy Alcock, Assistant General Counsel
Nichelle Dorroh, Disciplinary Coordinator of Office of Investigations

Guests Present: Elaine Eaton, TnPAP Representative
John Williams, Attorney, Tennessee Society for Respiratory Care
Lacey Blair, Legislative representative
Candace Partee, Board Consultant
Colleen Schabacker
Jana Smith
Cynthia Sweat
Elizabeth Rivera Jackson
Latisha Lea
Janet Perez
Demetra Phillips
Ranette Brooks
Teresa Morris

A quorum being present, Lisa Caldwell, Board Secretary, called the meeting to order at 9:05 a.m., and conducted a roll call of members present.

Office of General Counsel

Tracy Alcock, Assistant General Counsel, presented the office of General Counsel report to the Board.

Conflict of Interest

Ms. Alcock discussed the board's 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 in which there might be an appearance of a conflict in any contested case, a rulemaking issue or any other board decision. Board members are required to disclose such existence or appearance of a conflict to the Board so that a decision may be made regarding the need for recusal.

Rules

The Board's rule changes regarding continuing education had an effective date of November 26, 2015, requiring twelve (12) hours annually of continuing education. The board will begin the monitoring process for the twelve (12) hours by the year end in December 2016.

The Board's rule change regarding the fee reduction went before the Joint Government Operations Committee on January 27, 2016. The rule change will have an effective date of February 16, 2016. The new fee structure as of February 16, 2016 will be as follows:

| | |
|------------------------|-------|
| Total Application Fee: | \$150 |
| Application Fee: | \$70 |
| License Fee: | \$80 |
| Renewal Fee: | \$100 |

Litigation

OGC currently has seven (7) open cases pertaining to the Respiratory Care Board and three (3) consent orders to present. The contested case hearing previously scheduled, has been continued through August 2016.

Policies

Revised Policy Statement on Continuing Education Deficiencies

The Board of Respiratory Care adopted the revised Continuing Education Policy to reflect the amended continuing education rule that requires twelve (12) contact hours of continuing education every calendar year. A minimum of five (5) hours must be obtained live, real time, with interactive opportunity. A motion was made by Mr. Granville, to approve the continuing education policy and seconded by Dr. McCartney. The motion carried.

Revised Lapsed License Policy

The Board of Respiratory Care adopted the revised Lapsed License Policy.

If the work history reflects that the individual has practiced in excess of thirty (30) calendar days, but less than six (6) months on an expired license, the Board will present to the licensee, an Agreed Citation which specifies payment of a fine in the amount of \$100 per month for every month in which the individual has worked at least one day beyond the thirty (30) calendar days grace period. The individual's license will not be reinstated unless and until the Agreed Citation is executed by the licensee and payment of the fine remitted to the Board's administrative office.

Respiratory Care Board Legal Overview

Tracy Alcock provided a legal overview of the Respiratory care Board's powers and duties.

Legislation

Ms. Alcock reported that, Public Chapter 541, is a sunset law which was enacted during the recent Legislative session that extends the Board of respiratory Care six (6) years to June 30, 2022. The law amends Tenn. Code Ann. Title 4, Chapter 29; Title 63, Chapter 27; § 63-31-107 and § 68-1-101.

Consent Orders

Mary Patton, RRT #5798

Ms. Alcock presented a consent order on Mary Patton, RRT. Ms. Patton signed a consent order for gross health care liability, ignorance, negligence or incompetence in the course of professional practice and engaging in the practice of respiratory care when mentally or physically unable to safely do so. Ms. Patton's license was reprimanded with terms and assessment of costs.

A motion was made by Mr. Granville and seconded by Dr. McCartney to accept the consent order as presented. The motion carried.

Frank J. Peterson, RRT # 5867

Ms. Alcock presented a consent order on Frank J. Peterson, RRT. Mr. Peterson signed a consent order for engaging in the practice of respiratory care when mentally or physically unable to safely do so; immoral, unethical, unprofessional or dishonorable conduct; violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of the rules or any lawful order of the board or any criminal statute of the state.

A motion was made by Mr. Granville, and seconded by Dr. McCartney to accept the consent order as presented. The motion carried.

Corry Rooks, RRT #5081

Ms. Alcock presented a consent order on Corry Rooks, RRT. Mr. Granville recused himself. Mr. Rooks signed a consent order for failure to adhere to rules and/or statute of the board as follows:

practiced on expired license. Violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of the rules of the board or any lawful order of the board or any criminal statute of the State.

A motion was made by Dr. McCartney, and seconded by Ms. Braddock, to accept the consent order. The motion carried.

Approval of Minutes

A motion was made by Dr. McCartney, and seconded by Mr. Granville, to accept the February 11, 2016 minutes as written. The motion carried.

Administrator's Report

Ms. Webb welcomed Ms. Kimberly Christmon, a new board member, who replaced Dr. Delmar Mack. She expressed the gratitude of the Board to Dr. Delmar Mack for the dedicated services he provided to the Board throughout his term of service.

Ms. Webb presented the administrator's report with the following statistical information as of May 9, 2016:

Active Respiratory Therapists

- RRT—3432
- CRT—1442
- RCA—11

Board licensure activity totals from February 8, 2016 through May 9, 2016:

| RRT | CRT |
|-----------------------------------|-----------------------------------|
| New applications received-102 | New applications received-34 |
| New licenses issued—52 | New licenses issued—15 |
| Number of renewals-paper-83 | Number of renewals-paper-34 |
| Number of renewals online-271 | Number of renewals online-131 |
| Reinstatements—4 | Reinstatements—3 |
| Number of licensees who retired—4 | Number of licensees who retired—6 |
| Expired—30 | Expired—35 |
| Closed Files -NA | Closed Files-NA |

Ms. Webb reported that the number of RRTs renewals processed online during this period constituted a usage rate of 77%. For CRTs, the number of online renewals constituted a usage rate of 79%.

Ms. Webb reported the list of licenses suspended due to Tennessee Student Assistance Corporation (TSAC) student loan Default Orders to the board from 2/12/2016 through 5/12/2016:

Crystal Shoemaker, RRT
Rachel Berry, CRT
Andrea McGhee, CRT
Jennifer Serrett, CRT

Ms. Webb reported the list of TSAC suspensions lifted from 2/12/2016 through 5/12/2016:

Crystal Shoemaker, RRT
Clara Hartwell-Lewis, CRT
Jennifer Serrett, CRT

NBRC Disciplinary Database Subscription Agreement

Mr. Sobowale informed the Board that the National Board for Respiratory Care (NBRC), has created a disciplinary database that will contain the following information: adverse action, medical malpractice, Medicaid and Medicare fraud exclusions and other derogatory information against a health care practitioner, health care entities, providers and suppliers based on laws and regulations that govern the National Practitioner Data Bank. He presented a copy of the subscription to the database for the board chair's approval.

TN Board of Respiratory Care Newsletter

Mr. Sobowale discussed the latest edition of the Board's newsletter. The Board was very impressed with the newsletter and stated that the staff did a wonderful job creating it. Board members were particularly impressed with the Q and A page and would like to see information added to the next newsletter regarding misdemeanor convictions.

Conferences

Ms. Webb reported the following conferences for 2016:

FARB Regulatory Law, September 29-October 02, 2016, San Antonio, TX

A motion was made by Mr. Granville, and seconded by Dr. McCartney, to approve Michael Sobowale to attend the conference. The motion carried.

AARC Congress, October 15-18, 2016, San Antonio, TX

A motion was made by Dr. McCartney, and seconded by Ms. Braddock to approve Mr. Granville to attend the conference. The motion carried.

CLEAR Conference, September 14-17, 2016, Portland, OR

A motion was made by Mr. Granville, and seconded by Ms. Christmon, to approve Ms. Alcock to attend the CLEAR conference. The motion carried.

NBRC Conference, August 26-27, 2016, Olathe, KS

A motion was Mr. Granville, and seconded by Ms. Christmon, to approve Michael Sobowale to attend the NBRC conference. The motion carried.

Report from Conferences Last Attended

Ms. Alcock attended the TSRC conference in Memphis with Mr. Granville, and both stated that the conference was very beneficial. Ms. Alcock reported several individuals approached them about legal issues and the application process for obtaining a license.

Ms. Alcock attended the TSRC conference in Chattanooga with Ms. Caldwell and both stated that the conference was beneficial and several individuals in attendance had questions regarding the application procedures.

Mr. Granville was requested to visit Northwest Community College in Senatobia, MS to speak to graduating students regarding the application and licensure process for Respiratory Care. Mr. Granville, stated that he enjoyed his time there and that the visit was very informative for the students.

Financial Report

Michael Sobowale, reported to the Board that an updated financial statement will be available at the August 25th board meeting. The Board is concerned about the cumulative carryover of \$918,149.77, and would like for the Board's Fiscal office to come up with ways to reduce the surplus.

Legislation

Lacey Blair, a representative from the Department's Legislative Affairs Office, presented the following Public Chapters:

Public Chapter 763 – This Act Permits licensees whose licenses from a health-related board have expired to obtain reinstatement on the basis of a plan developed by the department of health for periodic payment of past due renewal fees and unattained continuing education instead of the current requirement of payment of all past due fees before reinstatement. This act will take effect on July 1, 2016.

Public Chapter 990 - This act allows the insured to be reimbursed for telehealth services provided for in another state, although, they are a Tennessee resident.

Investigative/Disciplinary Report

Nichelle Dorroh, Disciplinary Coordinator, in the Office of Investigations, presented the Investigative and Disciplinary reports as follows: There are currently three (3) active cases for registered respiratory therapists and one (1) active case for certified therapists. Twenty-three (23) practitioners are currently being monitored.

Tennessee Professional Assistance Program Report (TnPAP)

Elaine Eaton, TnPAP Representative, gave the following report:

Statistics from July 1, 2015 through March 31, 2016

| | |
|--|---|
| Monitoring | 5 |
| Monitoring Type - Involuntary | 4 |
| Monitoring Type - Referral Source - TDOH | 1 |
| Employer Referral | 1 |
| TDOH Referral | 3 |
| Monitoring Pending - | 1 |
| File Closure – Evaluated; declined recommendations | 2 |
| Monitoring complete | 1 |

Applicant Interview/File Review

1. **Janet Perez** – Ms. Perez is applying for a registered respiratory license. Ms. Perez was present. Ms. Caldwell recused herself. Ms. Perez’s application file was brought before the Board due to convictions for DUI on October 7, 2011, and a violation of probation on July 09, 2012. After discussion with the Board, a motion was made by Mr. Granville, seconded by Ms. Christmon, to approve Ms. Perez’s application file with no restrictions. The motion carried.
2. **Ranette Brooks** – Ms. Brooks is applying for a registered respiratory license. Ms. Brooks was present. Mr. Granville recused himself. Ms. Brooks’ application file was brought before the Board due to a conviction for Failure to appear on February 11, 2015. After discussion with the Board, a motion was made by Dr. McCartney and seconded by Ms. Christmon, to approve Ms. Brooks for a license with no restrictions. The motion carried.
3. **Elizabeth Rivera Jackson** – Ms. Jackson is applying for a registered respiratory license. Ms. Jackson was present. Mr. Granville recused himself. Ms. Jackson’s application file was brought before the Board due to a conviction for Careless driving on December 13, 2011. After discussion with the Board, a motion was made by Dr. McCartney, and seconded by Ms. Christmon, to approve Ms. Jackson for a license with no restrictions. The motion carried.
4. **Latisha Lea** – Ms. Lea is applying for a registered respiratory license. Ms. Lea was present. Ms. Lea’s application file was brought before the Board due to a conviction for a DUI on March 24, 2014. After discussion with the Board, a motion was made by Mr. Granville, and seconded by Dr. McCartney, to approve Ms. Lea for a license with no restrictions. The motion carried.

5. **Demetra Phillips** – Ms. Phillips is applying for a registered respiratory license. Ms. Phillips was present. Mr. Granville recused himself. Ms. Phillips’ application file was brought before the Board due to a conviction for Failure to appear in court on June 25, 2007. After discussion with the Board, a motion was made by Ms. Braddock, and seconded by Dr. McCartney, to approve Ms. Phillips for a license with no restrictions. The motion carried.

6. **Cynthia Sweat** – Ms. Sweat is applying for a registered respiratory license. Ms. Sweat was present. Ms. Sweat’s application file was brought before the Board due to a conviction for public nuisance on October 31, 2007. After discussion with the Board, a motion was made by Dr. McCartney, and seconded by Mr. Granville, to approve Ms. Sweat for a license with no restrictions. The motion carried.

Ratifications

Mr. Granville made a motion, seconded by Dr. McCartney, to approve the list of newly certified and registered respiratory therapists, and reinstatements. The motion carried.

REGISTERED RESPIRATORY THERAPISTS

New Licenses

| | | | |
|------------------|---------------------|---------------------|---------------------|
| Bishop, Justin | Hannah, Brett | Nanny, Leslie | Shelton, Jacqueline |
| Boyd, Beverly | Harrell, Nakeisha | Nelson, Vicki | Shepherd, Kayce |
| Broome, Casey | Hess, Jane | Oyieke, Florence | Smith, Duwana |
| Carraway, Porsha | Hughes, Amber | Palumbo, Tabetha | Rooks, Corry |
| Chinnis, Beverly | Hunt, Crystal | Pipkin, Cheryl | Stanley, Sondra |
| Chisnell, Connie | Kelly, Brandon | Redmond, Mario | Stickler, Sherri |
| Crank, Rebecca | Kwiatkowski, Laurie | Rice, Rachel | Storey, Jami |
| Davis, Rachel | Limmer, John | Richardson, Amanda | Turner, Anthony |
| Delon, Rachel | Loftin, Tonya | Rogers, III, Leslie | Vicksten, Kevin |
| Dowd, Lindsey | Manneh, Shareeka | Schrauben, Monica | Williams, Mary |
| Dutton, Tiffany | McClain, Theresa | Scott, Jennifer | Young, Dominiece |
| Fiore, Ryan | McQueen, Kevin | Scott, Patricia | |
| Fuller, Sabrina | Monroe, Tamara | Sevinsky, Connie | |
| Goode, Gretchen | Morris, Teresa | Shellhorn, Janice | |

Reinstatement (s)

Carson, Catherine
 Davis, Heidi
 Walker, Christy
 Woodward, Selena

CERTIFIED RESPIRATORY THERAPISTS

New Licenses

| | | |
|-------------------|-----------------|------------------|
| Baldus, Joshua | Henry, Nicki | Taylor, Jessica |
| Bartczak, Deidra | Johnson, Tracy | Merrill, Theresa |
| Casteel, Alesha | Michael, Tiny | |
| Bondi, Teresa | Michael, Yvette | |
| Crawford, Kristen | Morris, Teresa | |
| Diaz, Jessica | Mullins, Kristi | |
| Herbert, Michael | Ross, Micah | |

Reinstatement (s)

Miller, Belinda
Spangler, Meagan
Thomas, Stacey

Adjournment

There being no further business, the meeting was adjourned at 11:38 a.m.

Anna Ambrose, Chair

Date

These minutes were ratified at the August 25, 2016 board meeting.