

## **TN BOARD OF RESPIRATORY CARE MEETING MINUTES**

**Date:** June 26, 2023

**Time:** 9:00 AM Central Time

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

**Members Present:** Kira Anderson  
Linda Braddock, Consumer Member  
Kimberly Christmon  
Ray Davis  
Robert Farmer, Board Secretary  
Dr. Gary Keith Lovelady  
Curtis Powell  
Craig Rooks, Board Chair

**Member(s) Absent:** None

**Staff Present:** Kimberly Wallace, Regulatory Board Administrative Director  
Sam Mullins, Regulatory Board Administrative Assistant  
Ashley Fine, Senior Associate General Counsel

**Guests Present:** Teresa Phillips, TnPAP

### **Call to Order**

The meeting was called to order at 9:03 AM CST. A roll call of Board Members was made, with a quorum present at the Call to Order. Administrative and legal staff were introduced.

### **Approval of Minutes**

A motion was made by Mr. Powell

To approve the Minutes of the February 16, 2023, Board Meeting, as written.

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Receive Reports and/or Requests from the Office of Investigations**

Barbara Granum, Intake Coordinator with the Office of Investigations, presented the Complaints reports, as follows:

FY2023 to-date:

Open Complaints	3
Closed Complaints	1

<b>Total New Complaints</b>	3
Unlicensed Practice	0
Substance Abuse	2
Criminal Charges	0
Outside Investigative Scope	0
Violation of Order	0
Lapsed License	1
Continuing Education Violation	0

**Receive Reports and/or Requests from the Division of Health Licensure and Regulation**

There were no finance report items for the Board to review in this meeting.

**Discuss and take action as necessary regarding Legislation**

There were no legislative items for the Board to review in this meeting.

**Receive Reports and/or Requests from the Tennessee Professional Assistance Program Report (TnPAP)**

TnPAP Representative, Ms. Theresa Phillips, was present to provide their report for July 1, 2022, through March 31, 2023, as follows:

<b>Agreements Activated</b>	1
Monitoring	4
Non-Regulatory	2
Regulatory	2

<b>Referrals</b>	4
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Positive workplace Screen	1
Impairment	3

<b>Discharges</b>	3
Evaluated- No Monitoring Recommended	0
Evaluated- Declined Services	1
Monitoring Complete (Regulatory)	1
Monitoring Complete (Non-regulatory)	1

**Receive Reports and/or Requests from the Board Administrative Office**

Admin Report

Board Administrator, Mr. Sam Mullins, presented the Administrative Report, as follows:

The following are the total active licensees as of June 12, 2023:

<b>RRT</b>	<b>CRT</b>	<b>RCA</b>
Active Licensees – 4,121	Active Licensees – 1,209	Active Licensees – 1

Licensing activities from February 9, 2023, through June 12, 2023:

<b>RRT</b>	<b>CRT</b>
New applications received – 138	New applications received – 46
New licenses issued – 76	New licenses issued – 30
Reinstated – 11	Reinstated – 1
Registered Poly Endorsement(s) – 0	Certified Poly Endorsement(s) - 0
Number of renewals – paper – 62	Number of renewals – paper – 32
Number of renewals online – 502	Number of renewals online – 126
Number of licensees who retired – 6	Number of licensees who retired – 5
Number of licenses that expired – 62	Number of Licenses that expired – 42
Closed Files – 16	Closed Files – 9
Upgrades from CRT to RRT – 1	NA
RRT Limited Permit to Full License – 3	CRT Limited Permit to Full License – 1
Work Permits Issued - 31	Work Permits Issued - 3

For Registered Respiratory Therapists, the number of renewals online during this period constituted a usage rate of 91%. For Certified Respiratory Therapists the number of online renewals constituted a usage rate of 84%.

Upcoming Board Meetings dates are as follows:

- August 17, 2023
- November 16, 2023

Ms. Wallace also provided application and licensure average processing times for CY2023-to-date, noting the limited number of staff serving the Board of Respiratory Care, as well as that a great deal of processing time is spent in Board staff awaiting the receipt of required document submissions from the applicant and/or from third-parties submitting required documents on behalf of the applicant such as transcripts, license verification, and criminal background check reports and follow-up documents. Ms. Wallace reported as follows:

- Application Received Date to Approval Date, average 41 days
- Last Required Document Received from Applicant to Approval Date, average 8 days
- Application Received Date to Deficiency Letter Date, average 15 days

Board Designee, Rule 1330-01-.07

Ms. Wallace presented Rule 1330-01-.07 to the Board and requested that the Board clarify, on the record, that the Unit Director/Administrative Director is considered the Board's designee in section 1330-01-.07(2) for the purpose of approving completed applications to receive the temporary authorization to practice, which would be the "go-to-work" letter for full licenses and the temporary permit/temporary license for those seeking temporary licensure while pursuing full licensure.

A motion was made by Mr. Powell

To approve naming the Board's Unit Director as the Board's Designee for the approval of licenses in accordance with Rule 1330-01-.07 (2), and it is the same as Unit Director as identified in 1330-01-.07 (1).

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

Receive Reports and/or Requests from the Office of General Counsel

Ms. Fine presented the OGC Report inclusive of a review of the Conflict of Interest Policy, and other items, as follows:

CONFLICT OF INTEREST

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.

## **OPEN MEETINGS ACT**

Pursuant to the Open Meetings Act, Committee business may only be discussed by the committee members during the meeting. Members should not discuss the committee's business at any time other than during the open Committee meeting. The prohibition applies to phone calls, emails, and text messages. Committee members should also ensure that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

## **RULES**

A rulemaking hearing regarding the fee decreases voted on by the Board at its October 31, 2022, meeting is now scheduled for the August 17, 2023, meeting.

## **LITIGATION APPEALS**

None

## **CIVIL SUITS**

None

## **PENDING CASES**

There are currently no open cases in the Office of General Counsel.

## **DISCIPLINARY REPORT**

The Disciplinary Coordinator for the Board of Respiratory Care is currently monitoring:

- Seven (7) licensees for a reprimand.
- Six (6) licensees for probation.
- Four (4) licensees for suspension; and
- Fourteen (14) licensees for revocation.

## **Presentation of Orders, Agreed Citations, and Other Disciplinary Items**

### **Consent Orders**

None

### **Agreed Citations**

#### **John Lester, CRT #6226**

The licensee was found to have practiced on a lapsed license from June 2022 – August 2022 and was assessed civil penalties in the amount of two hundred dollars (\$200). There was a signature

error on the presentation of this agreed citation at a previous Board meeting, and it was re-presented for confirmation of the ratification.

A motion was made by Mr. Powell

To approve the Agreed Citation for John Lester, CRT #6226, as written.

With a second made by Mr. Farmer

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Jessica Hardin, RRT #7171**

The licensee was found to have practiced on a lapsed license from December 2022 – April 2023 and was assessed civil penalties in the amount of three hundred dollars (\$300).

A motion was made by Ms. Anderson

To approve the Agreed Citation for Jessica Hardin, RRT #7171, as written.

With a second made by Ms. Christmon

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Alicia Collins, CRT #7407**

The licensee was found to have practiced on a lapsed license from March 2023 – May 2023 and was assessed civil penalties in the amount of one hundred dollars (\$100).

A motion was made by Mr. Farmer

To approve the Agreed Citation for Alicia Collins, CRT #7407, as written.

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

## Orders of Compliance

### Emily Walters, RRT #5762

Licensee was present by phone.

Mr. Davis requested recusal from the discussion of the agenda item for Ms. Walters, which was confirmed by Ms. Fine. A quorum remained to discuss the item.

The Board discussed the incident that led to the original order, which subsequently led to the Board Order, wherein, Ms. Walters documented patient breath sounds that she did not personally observe, but rather, those that were observed by a nurse. Ms. Fine clarified that the Consent Order was ratified by the Board previously, and the review in this meeting is to determine if the evidence presented meets the requirements imposed by the Consent Order. The Board asked Ms. Walters to discuss how she has improved her practice during the period of probation, noting the reports submitted for the licensee state there have been demerits in compliance. Ms. Walters stated that assessing a patient is her first priority. She said the demerits were regarding continuing education, she believed, but was unsure what they may have been. Ms. Anderson clarified that the compliance demerits were documented regarding deadlines for covid vaccination and resulting disruptions to staffing and the Board would like to know how Ms. Walters has grown in exhibiting professional behavior. Ms. Walters stated the covid vaccination issue was a confusing time and she was 2 days late in getting the 2<sup>nd</sup> dose. Ms. Anderson noted that, as a respiratory therapist, they are expected to do the right thing when no one is looking and wants to know how Ms. Walters will perform in this environment. Ms. Walters stated she knows the patient is her number one priority and she knows what she is supposed to do, and the action that resulted in the Consent Order was a mistake.

Mr. Powell stated the concern is that they have an obligation to protect the general public. By approving a license, it puts patient's lives in their hands and cutting corners can put a patient at risk for harm. Shortcuts can cost a patient their health and welfare. The Board's concern is that Ms. Walters understands these concerns and responsibilities. Ms. Walters stated she has taken this to heart and will not cut corners again and has learned from this incident.

A motion was made by Mr. Powell

To approve the Order of Compliance for Emily Walters, RRT #5762, and lift the probation and accept the Order as drafted by the attorney.

With a second made by Ms. Christmon

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

Mr. Davis returned to the meeting.

**Applicant Interviews/File Reviews/Waivers & Other Requests**

**Codie Wilson, RRT File #8753**

Ms. Wilson had indicated she would be available to take a phone call from the Board to discuss her application. The Board made two attempts to place a call to her in the meeting, and she did not answer either call attempt.

A motion was made by Mr. Farmer

To table the reciprocity application for Codie Wilson, RRT File #8753 until the next meeting.

With a second made by Ms. Anderson

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

**Ratifications of Licensure Files**

Ms. Wallace informed the Board that the files for the individuals listed below have been reviewed and found to be in good order in accordance with the Board's Rules.

A motion was made by Mr. Davis

To approve the ratification list, as written.

With a second made by Ms. Braddock

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

Ratification List

February 9, 2023 – 06/12/2023

**Closed Files**

3747	Arnold Steven Steele
3747	Bingham Darryl-Lynn Dee Banks
3747	Cochlin Shirley Rae
3747	Demay Melissa
3747	Holloway Tamar
3747	Martinez Wendy
3747	Minium Hannah
3747	Murphy Kiara



3747	Neal Felecia
3747	Samuels Nicolette Dominique
3747	Splawn Joel Houston
3747	Stibal Daniel
3747	Stipe Marion David
3747	Weir Shannon Lynn
3747	Yates Tracy Nicole
3747	Young Ryan Michael

3750	Brigman James
3750	Fulmer Rachel
3750	John Kameron
3750	Kreek Wendy Nicole
3750	Lambert Amanda
3750	Masel Katherine
3750	Mills Christy Dawn
3750	Robinson Apryl
3750	Tellis Starlet Arianna

**Initial License**

3747	Gammage Kathleen Gillespie
3747	Albrecht Heather
3747	Almansour Mohameed
3747	Anaya Faith Sophia
3747	Barchuk Jill Ann
3747	Bryson Joshua
3747	Cannon Kaley Ann
3747	Carron Abigail Olivares
3747	Chang Heather Sara
3747	Childs Tarneisha Lashae
3747	Christianson Andrew
3747	Daniels Twila Lucille
3747	Edwards Breanna Vey
3747	Ellis Marshall
3747	England Alyssa
3747	Fevrin Cassandra
3747	Flores Tiara
3747	Folsom Kenneth Wayne

3747	Funk Stephen Michael
3747	Gladney Latrice
3747	Graff Nancy Gisele
3747	Graper Valerie Michele
3747	Green Jessica
3747	Green Thelicia Mayann
3747	Hammonds Abbigale
3747	Hewitt Michael Joseph
3747	Hicks Sharon Ann
3747	Hindenburg Joshua
3747	Hollins Lena
3747	Hudgins Rebecca
3747	Huff Angela Michelle
3747	Huff Renata
3747	Hutler Amber
3747	Icenhour Holly Renee
3747	Joe Phily Jean
3747	Killeen Jordan
3747	Kuchma Lyudmyla
3747	Levasseur Cassandra Leah
3747	Maiden Hayley Faith
3747	Martin Kayla Raquel
3747	Mason Sheryl Ann
3747	Mccauley Tabitha Lynn
3747	Mcdowell Zackary
3747	Mujica Pedro Pablo
3747	Nielsen Cassie Layne
3747	Niemiec Amanda Lauren
3747	O'Bar Samuel Reath
3747	Parvin John W.
3747	Phipps Angel Marie Mrs
3747	Reddell Colby
3747	Renfroe Rockel Lee
3747	Reynolds Charles
3747	Roberts Jeffrey Scott
3747	Rose Jodie
3747	Saint Leah Dashelle
3747	Simmons-Morgan Maquita
3747	Simpson Jessica
3747	Slone Luther
3747	Smith Christina

3747	Smith Janice Cassidy
3747	Smith Roy Marshal Jr
3747	Steward Brandi Nicole
3747	Tary Gerald Lee
3747	Teague David R
3747	Trone Cherie Ann
3747	Wackler Pamela Lyn
3747	Whittemore Madisyn Paisley
3747	Williams Jessica Renee
3747	Wilson Pearline
3747	Woniewski Wendy Jacqueline
3747	Wright Tina Marie
3747	Buck Brian Matthew
3747	Kreek Wendy Nicole
3747	Mcdaniel Brennen Jude
3747	Mullinax Adam Dewayne
3747	Pajak-Kozminski Cheryl L
3747	Radcliff Jamie
3747	Carr Karrie Lynn
3747	Baird Michael David
3747	Bradford Amber Nicole
3747	Harstick Juliette Rochelle

3750	Alward Hanna
3750	Evans Cortney Ann
3750	Fullilove Latona
3750	Garner Amber Nichole
3750	Graham Kayla Brookale
3750	Grant Kelly
3750	Gursky Rebecca
3750	Harp Crystal Gayle
3750	Jennings Ashlan Janae
3750	Kilgore Katie
3750	Lanier Indhia Alani
3750	Le Linh Yen
3750	Long Ashley Allison
3750	Marshall Morgan Shalay-Ah
3750	Martin Kayla Raquel
3750	Marx Erin
3750	Mcdowell Zackary

3750	Mitchell Jessica Ann
3750	Moody Mya
3750	Mooneyhan Mikenzie
3750	Mujica Pedro Pablo
3750	Piper Kerri
3750	Richardson Chasman Nicole
3750	Riojas Jose
3750	Simmons-Morgan Maquita
3750	Slattery Courtney
3750	Smith Tammy Denise
3750	Taylor Treva
3750	Waddell Meredith
3750	Pender Micah
3750	Vealey Kimberly
3750	Roberts Tra'Meisha Marie Monique

Reinstated

3747	Hardin Jessica Parker (Reinstated)
3747	Hodges Quankeshia D (Reinstated)
3747	Jawad Aiya (Reinstated)
3747	Lawrence Johnetta (Reinstated)
3747	Layne Twila S (Reinstated)
3747	Lee Melissa Danielle Reinstated)
3747	Mooney Jennifer (Reinstated)
3747	Pope Dennis Warren Jr.(Reinstated)
3747	Stewart Amanda G.(Reinstated)
3747	Summers Cynthia Lee (Reinstated)
3747	Watts Kristen Arianna (Reinstated)
3750	Winstead Sara Kaitlyn (Reinstated)

**Conferences**

Upcoming Event

2023 FARB Regulatory Law Seminar, September 21 – 23, 2023, Chicago, IL

Upcoming Event

2023 CLEAR Annual Education Conference, September 27 – 30, 2023, Salt Lake City, UT

A motion was made by Mr. Farmer

To approve sponsorship of one attorney at the FARB and CLEAR conferences.

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

### Past Event

Ms. Braddock and Mr. Davis attended the TSRC Conference in March 2023 on behalf of the Board. Sessions highlighted included a lookback at covid and presentations on cystic fibrosis. Ms. Anderson spoke at the event as a presenter. It was an event that was delayed due conditions surrounding the pandemic.

### Discuss Old and New Business

There were no old business or new business items to be discussed during this meeting.

### Rulemaking Hearings, Rule Amendments, and Policies

#### Rule 1330-01-.12 – Continuing Education

Ms. Wallace informed the Board that there have been some question by licensees and CE providers as to the Board's interpretation of Rule 1330-01-.12(2)(c), which makes a requirement that, of the 12 hours of annual CE required for the maintenance of a respiratory license, "A minimum of 5 hours must be obtained live, real time, with interactive opportunity." This 5-hour requirement has historically been viewed to be an in-person requirement, as was confirmed by the board's previous advisory attorney who was with this board for several years. Ms. Fine conducted some research into the history of the handling of this rule, and compiled documents the board members received for review, including copies of Minutes from past board meetings and rulemaking packages.

The Board was asked to provide definitive guidance as to how the 5 hours in Rule 1330-01-.12(2)(c) should be interpreted, and thus, how they will be audited for compliance with the TN requirements.

Candace Partee, Board Consultant made comment, that she was on the Board when this rule was originally discussed. The intent at that time was that multi-media would be acceptable as long as licensees could have interactive opportunity in the session.

Mr. Rook, sees this rule as making these hours of CE acceptable via multimedia platforms, but the speaker must be live and there must be an opportunity to ask questions that can be answered in the moment by the speaker. Mr. Powell concurs. Mr. Davis noted the cost savings of web-based events. Mr. Farmer noted the empty seats at State conferences because of the path of least resistance in attending events electronically. Ms. Christmon posed the question of giving the

public what they want versus continuing to practice in the same ways as the past rather than updating and revising with new technologies. Mr. Powell state the priority is on keeping a well-educated workforce.

A motion was made by Mr. Powell

To interpret Rule 1330-01-.12(2)(c) to mean, via a new Board Policy Statement with language of:

Rule 1330-01-.12 requires therapists and assistants licensed by the Board to complete twelve (12) hours of continuing education annually. Subparagraph (2)(c) of this Rule provides that a minimum of five (5) of the twelve hours must be obtained live, real-time, with interactive opportunity.

It is the policy of this Board that the requirement in subparagraph (2)(c) may be satisfied either in-person or via any web-based multimedia format; provided however, that subparagraph (2)(c) does not permit any of the five (5) continuing education hours to be obtained via a web-based multimedia format which is not live in real-time and does not allow for or provide any opportunities for interactive participation.

With a second made by Mr. Davis

Discussion:  None OR  As Follows

Ms. Braddock would prefer a positive language statement instead of a negative language statement. Mr. Powel understands, but believes the restrictive negative language better defines the intent. Discussion concerned if the presenter and learner are both involved in the presentation, if that qualifies as live. Ms. Anderson and Mr. Rooks agreed that was appropriate. Dr. Lovelady noted he believes the policy statement as written is appropriate. Mr. Rooks' interpretation of the policy statement is that where the material being presented for the course is being presented real-time in the current block of time. Discussed synchronous and asynchronous and potential future rulemaking.

The motion passed unanimously by voice vote.

### **Correspondence**

Keith Varnes, Rule 1330-01-.12

The Board reviewed the correspondence, and the issues were just addressed by the previous vote.

### **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, a motion was made by Ms. Braddock to adjourn.

With a second made by Mr. Davis

Discussion:  None OR  As Follows

The motion passed unanimously by voice vote.

Adjourned at 11:49am CST.

**These Minutes were ratified by the Board on August 17, 2023.**

  
Board Chair

8-17-23  
Date