

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

November 26, 2013

A special meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., on Tuesday, November 26, 2013 at the KBRC offices, 163 W. Short Street, Lexington, KY.

MEMBERS PRESENT

Robert W. Powell, Acting Chair
Tina Siddon, RRT, Acting Vice-Chair
Jeff Smithern
Dr. Matthew M. McIntosh
Kathleen Kearney Schell
Jerrell D. Cloud

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Dr. Powell, acting Chair in Ms. Vogt's absence, called the meeting to order at 5:35 p.m., at 163 W. Short Street, Lexington, KY. Dr. Powell welcomed new member Jerrell D. Cloud and congratulated both Mr. Cloud and Jeff Smithern on their recent appointments to the Board by Governor Beshear. Mr. Cloud and Mr. Smithern were appointed with three-year terms expiring October 31, 2016. Ms. Moore administered the Oath of Office to Mr. Cloud and Mr. Smithern prior to the meeting.

Minutes

No corrections or additions were requested so the October 2013 Minutes are approved.

Continuing Education

Review of Other States' Fees Structure and Discussion to Increase KBRC Fees

Ms. Moore asked the Board to review other states respiratory licensure fees. This Board received a fee increase in October 2006 which was the only fee increase in 22 years which amounted to \$12.50 per year on the renewal fee. The Board is in a financially precarious position primarily due to: several sweeps of funds, raising retirement contributions and increased costs of operation. Tamara McDaniel has indicated the KSRC would not be prepared to amend the respiratory laws until 2015. The members voiced a need for this Board to go ahead to increase fees. Individual members and staff will inquire about the feasibility of a fee increase during the upcoming legislative session.

Old Business

Standards and Checklist set for Agreed Order Cases

The Board requested that a checklist be drafted for review at the next meeting. The checklist shall accompany each KYPRN Monitoring Agreement. Agreed Orders will not be approved in

the future until a KYPRN Monitoring Agreement and checklist are signed by the practitioner. The Board agreed that one warning letter should be sent for less serious violations of an Agreed Order or KYPRN Monitoring Agreement. Future violations after one warning letter shall include a minimum six month suspension while a licensee demonstrates six months of continued sobriety and adherence to a KYPRN Monitoring Agreement/Board agreement.

Examples of less serious violations are:

- Two or fewer missed calls
- One late payment to KYPRN
- One late payment to First Lab
- One late KYPRN monthly report
- One late AA/NA meeting log

More serious violations of KYPRN Monitoring Agreements and Agreed Orders shall result in a minimum six month suspension while a licensee demonstrates six months of continued sobriety and adherence to a KYPRN Monitoring Agreement/Agreed Order. Examples of serious violations are:

- Three or more missed calls
- A subsequent arrest
- Positive urine screen for prescription, illicit or over the counter drug
- Working while impaired
- Failure to report for a urine test

The Board requested language in the checklist that a missed call or late reporting for testing shall require an automatic drug screen above and beyond what is in the Agreed order.

Complaints

Tina Siddon made a motion for the Board to go into closed session, pursuant to KRS 61.810(1) (c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. The motion was seconded by Jeff Smithern and carried unanimously.

Tina Siddon moved to come out of closed session; seconded by Dr. McIntosh. Motion carried unanimously.

Agreed Orders – KYPRN Reporting Cases Compliant

Terry Clark

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

Charlotte Dreux

Mr. Fingerson reported Charlotte Dreux is compliant. No action on the case.

Scotty D. Halsey

Mr. Fingerson reported Scotty Halsey is compliant. No action on the case.

Thomas W. Grant

Mr. Fingerson reported Thomas W. Grant is compliant. No action on the case.

Lisa A. Smith

Mr. Fingerson reported Lisa A. Smith is compliant. No action on the case.

Laura Thomas

Mr. Fingerson reported Laura Thomas is compliant. No action on the case.

Mary Marcia Fuller

Mr. Fingerson reported Mary Marcia Fuller is compliant. No action on the case.

Paul Sublett

Mr. Fingerson reported Paul Sublett is compliant. No action on the case.

KYPRN Cases Non-Compliant Reviewed

Once a checklist is approved, Ms. Siddon made a motion to notify all pending impairment licensees that any future missed calls would constitute an immediate extra drug screen; motion seconded by Jerrell Cloud and passed unanimously.

FYI: Updates on Cases since October 17, 2013 Meeting

Tricia Dees

Ms. Siddon made a motion to approve the terms of the Agreed Order suggested by Ms. Dees' attorney. Motion carried unanimously.

Scotty Halsey

Ms. Siddon made a motion to inform Scotty Halsey his original Agreed Order stands until February 9, 2014; seconded by Jerrell Cloud. Motion carried unanimously.

Shannon Keys

Ms. Siddon made a motion to have legal counsel meet with Ms. Key's attorney and report back to the Board at the February 13, 2014 meeting; seconded by Jerrell Cloud. Motion carried unanimously.

Eric Harmon

Ms. Siddon made a motion to approve reinstatement pursuant to a standard impairment Agreed Order once Mr. Harmon submits a KYPRN and checklist. The motion was seconded by Jerrell Cloud and passed unanimously.

Complaint Cases with Agreed Orders & KYPRN – Updates or Action Needed

Complaint Cases:

A. Jason Perdue

Ms. Siddon made a motion to set a hearing for Jason Perdue at 10:00 a.m., EST on Thursday, March 13, 2014; seconded by Jerrell Cloud. Motion carried unanimously.

B. John A. Beck

Ms. Siddon made a motion to accept a voluntary surrender as revoked or table until resolution of the Ohio case. The motion was seconded by Jerrell Cloud and passed unanimously.

C. Brittany D. Beckman

Ms. Siddon made a motion to approve. The motion was seconded by Jerrell Cloud and passed unanimously.

D. Joseph Cecil

Ms. Siddon made a motion to send an Agreed Order with three years probation and standard terms, and approve his 2014 renewal Mr. Cecil's return of the Agreed Order. The motion was seconded by Jerrell Cloud and passed unanimously.

F. Sara Sparks

Ms. Siddon made a contingency motion: Ms. Sparks will receive an Agreed Order with three years probation and standard terms if it is determined by the evaluation that Ms. Sparks does not have impairment issues; if report indicates impairment issues, Ms. Sparks will receive a five year impairment Agreed Order with standard terms. The motion was seconded by Jerrell Cloud and passed unanimously.

Announcements

The next meeting is set for Thursday, February 13, 2014 or if inclement weather the meeting will be held on Thursday, February 20, 2014 at 5:30 p.m., at the KBRC offices, 163 W. Short Street, Lexington, KY.

Application Review

A motion was made by Jeff Smithern to accept all 13 applications since the last meeting; seconded by Tina Siddon. Motion carried unanimously.

The following **Student applications (1)** were approved:

Julia R. Durcholz.

The following **Temporary applications (0)** were approved:

The following **NBRC applications (10)** were approved:

Tivetta Aldridge, Joshua Arrowood, Brittany Beckman, Ashley Branson, Tasha Donahoe, Dustin Jones, Mallorie Lewis, Johmark Mayes, and Antonette Tomany-Harris.

The following **Reciprocity applications (3)** were approved:

Robert Johnson, Teresa Woods and Janina Vikhor.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by Ms. Siddon, and seconded by Jeff Smithern, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Dr. McIntosh made a motion to adjourn the meeting at 8:40 p.m.; seconded by Tina Siddon. Motion carried unanimously.

Dr. Robert W. Powell, Acting Chair
KY Board of Respiratory Care