

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

October 16, 2006

A regular meeting of the Kentucky Board of Respiratory Care was held at 9:30 a.m., at 2624 Research Park Drive, Suite 304, Lexington, KY on Monday, October 16, 2006.

MEMBERS PRESENT

Byron T. Westerfield, M.D., Chair
Klaus O. Becker, Vice-Chair
Anna J. Jones
Pat Fisher
Wade Root
Tami McDaniel
Abdi Vaezy, M.D.

KBRC STAFF

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

OTHER

Cheryl Lalonde, AAG

Dr. Westerfield called the meeting to order at 9:30 a.m., in the Conference Room at Spindletop Administration Building, Suite 304, Lexington, KY.

Minutes

Klaus Becker moved to approve the August 17, 2006 minutes; seconded by Tami McDaniel. Motion carried unanimously.

Continuing Education Committee – Approval of 2005 CEU Carryover in 2007

Mr. Root advised since the statutory and regulatory changes in 2006, the Board needed to clarify if the CEU carryovers from the 2005 renewals would be permitted during the 2007 renewals. A motion was made by Wade Root to approve the designated 2005 CEU carryovers during the 2007 renewal cycle with no future carryovers permitted due to regulatory changes in September 2006; seconded by Dr. Vaezy. Motion carried unanimously.

Mr. Root also advised there had been a lot of submissions due to renewals coming up very soon. After a lengthy discussion regarding the CEU process and the 2007 audit renewals a motion was made by Klaus Becker to pay Wade Root a per diem for reviewing the 2007 audit renewals; seconded by Tami McDaniel. Motion carried unanimously.

NBRC Recredentialing Report

The Board discussed changes the NBRC implemented regarding their recredentialing format in 2002. Folks earning their credentials after that date will need to renew credentials with the NBRC every 5 years and as long as they keep their license active in KY those folks will meet the requirements of the NBRC.

Ms. Lalonde quoted the laws from 314A.110(5) about requirements for mandatory certification and the Board agreed there was no action needed on the NBRC recertification process at this time. The Board participates with the NBRC and utilizes the NBRC disciplinary database to check licensure status for all respiratory applicants.

The Board requested Tami McDaniel and Ms. Lalonde to work drafting information regarding NBRC recertification changes posed for July 1, 2007 to post on our website and newsletter.

Agreed Orders:

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06

Ms. Lalonde presented an *Amended Agreed Order* on Shirley Henderson since she relapsed. The *Amended Agreed Order* includes additional language that fortifies the original order and suspends Mrs. Henderson's license for six (6) months from the date Dr. Westerfield signs the *Amended Agreed Order*. In addition, Ms. Henderson shall be referred to Brian Fingerson and if she continues to meet the conditions of her order, she will be eligible to apply for reinstatement after the 6 month suspension in April 2007.

Darlene Jackson KY # 4926 – Agreed Order 3/15/05

Mrs. Moore stated we have received documentation that Ms. Jackson is in compliance with the terms of her Agreed Order.

Robert N. Corbett, Jr. KY # 2955 – Agreed Order 8/15/05

Mrs. Moore stated Robert Corbett's probation will conclude on August 15, 2006 and that we had received documentation that Mr. Corbett is in compliance with the terms of his Agreed Order.

Oliver "Lee" Adkins KY # 4298 –Agreed Order 3/14/06

Mrs. Moore stated we had received documentation that Mr. Adkins is in compliance with the terms of his Agreed Order.

Debra Moore KY # 0339 –Agreed Order 4/20/06

Anna Jones reported Debra Moore is in compliance with the terms of her Agreed Order. Anna Jones will monitor Ms. Moore for six months according to the terms of the Agreed Order. Ms. Jones stated Ms. Moore's work place will file an open records request to obtain a copy of the Agreed Order on Debra Moore.

Katrina A. Baker KY # 0208 – Agreed Order 4/20/06

Mrs. Moore stated we had received documentation that Ms. Baker is in compliance with the terms of her Agreed Order.

Sharon Barnes KY # 0556 – Agreed Order 5/20/05 & Amendment 8/17/06

Ms. Lalonde updated the Board on Ms. Barnes' *Amended Agreed Order* which includes additional language that fortifies the original order, a 45-day suspension (in effect until September 11, 2006), and an increase in drug screens to a minimum of 18 drug screens with a maximum of 24 per year at Ms. Barnes' expense.

Old Business

Lonnie Ely Request for Reinstatement – Denied Licensure

Mrs. Moore gave an FYI to the Board that Kathryn Reed, Agent with the Attorney General's office, has been assigned to the Lonnie Ely case. Mrs. Reed is out on maternity leave but sent word that the Lonnie Ely case has been forwarded to the Jefferson County Commonwealth's Attorney and we are awaiting the Grand Jury to be scheduled for review.

KY.Gov Venture – Online Licensure for KBRC Board

Mrs. Moore discussed an email she received from Peter Fairhurst of KY.Gov. Mr. Fairhurst advised the project to develop online renewals for the KBRC is now on hold and work will not commence on our project until June 2007 due to resource and scheduling constraints.

The Board asked Mrs. Moore to contact Mr. Fairhurst to see if we could start the process of online licensure development earlier than June 2007 or the KBRC may need to research outside referrals to complete our project to provide the online service.

NBRC Licensure Meeting Report

Tami McDaniel gave a report wherein she and Mrs. Fisher attended the annual NBRC licensure meeting on September 15-16, 2006 in Lenexa, KS. Mrs. McDaniel reported on important issues and enjoyed the networking and exchange of information with the other states. The hottest topic, delivered by Cheryl West of AARC, was that the Texas legislature was trying to sunset the licensure law due to budget constraints and the Board was fighting tooth and nail to keep licensure in place since there are over 10,000 therapists in Texas. Ms. Lalonde stated KY does not currently have an annual sunset review.

Review of Allen Firquin Email

Mr. Root presented a second email from Allen Firquin, CRT. Mr. Firquin was inquiring "how do I go about getting regulations changed to prevent nursing from performing respiratory functions such as setup of CPAP and BiPaP? Mr. Firquin thought this should fall directly under the respiratory department and not the nursing staff". Ms. Lalonde advised that only the Board can implement regulatory changes, and Mr. Firquin's request would involve changing our statute and not a regulation.

Ms. Lalonde quoted from **314A.105 Permitted activities** our law states "Nothing in this section shall limit, preclude, or otherwise restrict the practices of other licensed personnel in carrying out their duties under the terms of their license." Since the respiratory practice

Mr. Firquin references also falls within the practice of nursing, we cannot infringe on nursing practices. However, in any clinical setting, if an individual witnesses incompetency or negligence, the individual may report such activity to the appropriate licensure board. Mr. Root will call and pen a letter to Mr. Firquin for the Board.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Klaus Becker made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Anna Jones, and carried unanimously.

Klaus Becker moved to come out of closed session; seconded by Wade Root. Motion carried unanimously.

A. Jan Dillon - KY # 2841

The Board reviewed a complaint and response against Jan Dillion filed by Southern KY Rehab Hospital. Wade Root made a motion to refer to our investigator for investigation; motion was seconded by Klaus Becker and carried unanimously.

New Business

Review of Mike Sisley Email Re: Licensure Break In Service

Mrs. Moore presented an email inquiry from Mike Sisley, Manger of Respiratory Care, at Owensboro Medical Health System. Mr. Sisley was inquiring about the break in service from the time a “temporary licensee passes the requisite NBRC exam until the time paperwork is processed by the KBRC when the licensee passes his or her CRT exam”? Mr. Sisley wished the Board would create a mechanism to allow those folks to continue working while paperwork is being processed. The Board agreed it’s just a very short time these folks are waiting on their official licensure from the Board. Also the folks have six (6) months from the date of their graduation licensed as a temporary to pass the NBRC exam.

Jodie Holgate, RRT-NPS, AE-C Email Re: Administration of Inhaled Insulin

Wade Root presented an email from Jodie Holgate, RRT-NPS, AE-C, from TJ Samson Hospital. Ms. Holgate was seeking confirmation that inhaled insulin was within respiratory scope of practice. Pursuant to *314A.100 (1) Scope of Practice*, inhaled insulin falls within our scope of practice. Mr. Root will convey this information to Ms. Holgate.

Northern KY DME Company Review – Tabled

Mr. Root will present his inquiry at the December 5, 2006 meeting regarding a Northern KY DME company.

Announcements

Mr. Becker had a couple items he wanted to review with the Board as follows:

1. The Board should not accept any complaint filed anonymously. Ms. Lalonde advised we do not dismiss a complaint currently due to it being anonymous; we dismiss the complaint if we cannot investigate it sufficiently without the anonymous complainant's involvement. The Board discussed the matter and decided to make no change about anonymous complaints.
2. Anyone having an expired license should no longer practice respiratory care. Ms. Lalonde advised KRS 314A.220 (3) prohibits the practice of respiratory care unless an individual holds a valid certificate.

Application Review

A motion was made by Anna Jones to accept all **33** applications since the last meeting; seconded by Klaus Becker. Motion carried unanimously.

The following **Student applications (9)** were approved:

Kara M. Allen, Kara B. Francisco, Abby L. Ligon, Angela K. Mausert, Melissa R. Miller, Jacqueline N. Navarre, Sarah M. Polley, Jennifer L. Sparks, David J Schneider.

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

The following **NBRC applications (18)** were approved:

Kelli L. Baldrige, Amber C. Brien, Mica J. Burns, Tara L. Crimmins, Judi I. Godfrey, Julena P. Gillum, Ryan C. Hall, Chandra Helton, Trista L. Hendrix, Tina L. Holman, Deloris J. Kellar, Chris L. Miles, Jennifer M. Parrigin, Pamela S. Reed, Steven D. Reynolds, William M. Rogers, Kellie J. Wilson, Sandra K. Utley.

The following **Reciprocity applications (6) were** approved:

Teresa M. Blackwell, Lois A. Harney, Linda D. Keyes, Laura M. Miller, Richard L. Perry, Jilda M. Standish.

Klaus Becker made a motion to adjourn the meeting at 12:40 p.m.; seconded by Wade Root. Motion carried unanimously.

Dr. B.T. Westerfield, Chair
KY Respiratory Care Board