

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

October 11, 2007

A regular meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., at the KBRC offices, 2624 Research Park Drive, Lexington, KY on Thursday, October 11, 2007.

MEMBERS PRESENT

Klaus O. Becker, Vice-Chair
Wade Root
Anna J. Jones
Tami McDaniel
Pat Fisher
Dr. Abdi Vaezy

KBRC STAFF

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

OTHER

Cheryl Lalonde, AAG
Carla Tabeling, GOPM Budget Analyst
Kelly Dudley, LRC Budget Analyst
Daniel Loy & Will Prible, KY.Gov

Klaus Becker called the meeting to order at 5:35 p.m., at the Lexington, KY offices. Vice-Chairman Becker was filling in for the Chair since Dr. Westerfield was attending another meeting out-of-state.

Mr. Becker welcomed Carla Tabeling, GOPM Budget Analyst, Kelly Dudley, LRC Budget Analyst, Daniel Loy and Will Prible from KY.Gov. to join us.

Minutes

Tami McDaniel moved to approve the August 9, 2007 minutes; seconded by Anna Jones. Motion carried unanimously.

Mr. Loy and Mr. Prible gave a presentation of the prototype of the 2008 online renewal application for the Board. The monies for the online renewal will go directly into a bank in Frankfort. The Board will pay KY.Gov \$1.00 for each license issued as well as pay Link2Gov for the use of credit cards going through the Epay system. KY.Gov will email us an administration tool to print applications for each therapist who renews online to allow the Board to print new I.D. cards and mail to the therapists.

Report from CEU Committee - Continuing Education

Mr. Root updated the Board that he had turned over his Education Member duties to Pat Fisher to help with the CEU submissions. Mr. Rose will work with Pat Fisher in updating the appropriate credits awarded to CEU submissions.

Approval of Audit Percentage for 2008 Renewals

A motion was made by Tami McDaniel to audit ten (10) percent of the 1,232 therapists who will renew in 2008 for continuing education; motion was seconded by Anna Jones and carried unanimously.

Agreed Orders:

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

Mrs. Henderson called the KBRC and stated she could not attend the October 11, 2007 meeting to request her license be reinstated due to a family emergency. Ms. Lalonde stated we will table Mrs. Henderson's appearance for the December 13, 2007 meeting. Ms. Lalonde also stated Shirley Henderson must continue her work with Brian Fingerson and show she has completed the KYPRN program. Mrs. Henderson will be required to document and prove six (6) months of continued sobriety before she will be eligible to petition the Board for reinstatement.

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.

Katrina A. Baker KY # 0208 – AO 4/20/06; Amended Order 3/16/07 & 8/9/2007

Ms. Lalonde advised the Board that Katrina Baker had finally signed and returned the Amended Agreed Order as Revoked including a one-year suspension. Ms. Baker must continue her KYPRN program, sign a new KYPRN contract, and document one-year of continued sobriety before she may apply for reinstatement of her license.

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

Mr. Fingerson reports that Mrs. Barnes is doing random drug screens with negative results and she provides monthly self reports and 12-step meeting attendance logs.

David Ray Ballard KY # 0209 – Agreed Order 7/26/07

Mr. Ballard is serving the terms of his Agreed Order that includes a six (6) month suspension of his license.

Old Business

KY.Gov Conference Call – Online Licensure for KBRC Board

Ms. Lalonde met with Mrs. Moore, Rep. Susan Westrom and Paul Dmytrewycz, computer specialist from the Attorney General's office at the Board's offices on September 5, 2007. A conference call was placed with Commissioner Mark Rutledge of COT regarding the contracts with KY.Gov. The Board has had reservations with Schedule A. Ms. Lalonde told the Board we discussed our concerns and were satisfied with the answers that were given.

Epay (Link2Gov) Approved By Finance for KBRC to Accept Credit Card Payments

Mrs. Moore updated the Board that Dr. Westerfield had signed the Prototype Letter of Acceptance to partner with KY.Gov for the 2008 online renewal services. Ms. Lalonde and Mrs. Moore presented KRS 45.345, which enables the Board to accept payment of fees by credit cards and charge a convenience fee for the online services.

The Board also discussed members continuing to serve until a new appointment is made by the Governor. Ms. Lalonde advised most folks serve in their capacity until new appointments are issued by the Governor.

Tami D. Balsler KY # 4272 – 2007 Renewal Pending Approval

Ms. Lalonde stated Ms. Balsler must document six months of continued sobriety while working with Brian Fingerson and the KYPRN.

Ashley R. Jasper Denied a Mandatory Licensure

Ms. Lalonde stated a letter under Dr. Westerfield's signature was mailed regular and certified mail to Mr. Jasper notifying him his request for a Mandatory license was denied at the August 9, meeting and to inform him he had the right to appeal the Board's decision within 30 days. Mr. Jasper did not appeal.

Lonnie Ely Case Pending In Jefferson County Court System

Ms. Lalonde shared information from Kathryn Reed, Agent with the Attorney General's office, who worked with the Jefferson County Commonwealth's Attorney regarding the Lonnie Ely case. Mrs. Reed informed us on July 18, 2007 that Lonnie Ely appeared in Jefferson County Circuit Court and entered a guilty plea to Criminal Possession of a Forged Instrument II and Practicing without a License.

On September 13, 2007 a sentencing hearing was held in Jefferson County Circuit Court on the guilty pleas entered on July 18, 2007. Mr. Ely was sentenced for two (2) years probated for five (5) years, with the sentence of imprisonment to be suspended and Defendant placed on probation under the supervision of the Division of Probation and Parole for a period of five (5) years. Restitution of \$3,038.88 (extradition fees) shall be paid at the rate of \$75.00 per month beginning on December 15, 2007. Court costs were waived and Ely is responsible to pay \$10 per month for supervision fees. Ms. Lalonde will do an article for our next newsletter regarding the facts of this case.

Clemen Botones, Respiratory Dept., Hazelwood Center Presents Bogus Letter

Mrs. Moore presented a letter from Ms. Botones concluding her internal investigation into which employee forged a letter received at the Hazelwood Center in Louisville, KY. Ms. Botones could not identify the person that prepared the purported document which she forwarded to the KBRC office. Tami McDaniel made a motion to dismiss the complaint without prejudice due to insufficient evidence; the motion was seconded by Wade Root and carried unanimously.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Wade Root 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.

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

A. Mark Pierce - KY # 0936

Tami McDaniel made a motion to continue the case pending the outcome of Mr. Pierce's criminal case; motion was seconded by Wade Root and carried unanimously.

B. Donald James - KY # 0098

Tami McDaniel made a motion to dismiss the complaint against Donald James without prejudice regarding his criminal case; motion was seconded by Wade Root and carried unanimously.

C. Mark Hinkle - KY # 1022

Tami McDaniel made a motion to dismiss the complaint against Mark Hinkle without prejudice regarding his criminal case; motion was seconded by Wade Root and carried unanimously.

D. Edward R. Price - KY # 4682

Tami McDaniel made a motion to flag the 2008 renewal application of Edward Price to let him know he will be required to enroll in the KYPRN program working with Brian Fingerson and enter into an Agreed Order with stipulations that would include five-years probation; motion was seconded by Wade Root and carried unanimously.

E. Wayne D. McQuain - KY # 4509

Tami McDaniel made a motion to have Brian Fingerson evaluate the complaint of Wayne McQuain and coordinate with Janet Vogt, Investigator for the Board. Ms. Vogt is to conduct a conference call with Brian Fingerson and Dr. Gregory Gergans and report her findings to the Board at its next meeting; motion was seconded by Wade Root and carried unanimously.

New Business

Robert J. Close Request for Mandatory Licensure Certificate

Robert J. Close filed a Mandatory Application to work in KY and presented copies of Agreed Orders from several other states where he had been working in the respiratory profession. Ms. Lalonde advised we should not piggy back another states Agreed Order or probation. Wade Root made a motion to refer this case to Brian Fingerson for evaluation and review those Orders

from the other jurisdictions. In addition, legal counsel will draft an Agreed Order with stipulations that would include a minimum of one-year probation for Robert Close to obtain a license to work in KY; motion was seconded by Anna Jones and carried unanimously.

KBRC 2008 Meeting Dates

Wade Root made a motion to set the dates, times and locations for the 2008 KBRC meetings at **5:30 p.m.**, for the following dates; motion was seconded by Tami McDaniel and carried unanimously.

Thursday, February 21, 2008 @ KBRC Offices
Thursday, June 12, 2008 @ KBRC Offices
Thursday, October 9, 2008 @ KBRC Offices

Thursday, April 10, 2008 @ Sal's
Thursday, August 14, 2008 @ KBRC Offices
Thursday, December 11, 2008 @ Murrays

Position Statement from CHEST Physicians Re: Polysom Licensure

Anna Jones presented a statement from The American College of Chest Physicians (CHEST) regarding their position on Polysomnography Licensure.

Eddie W. Allen Request for Mandatory Licensure Certificate

The Board reviewed the Mandatory Application of Eddie W. Allen from Norton, VA. Mr. Allen had just completed an Agreed Order with the Board of Medicine in the Commonwealth of Virginia. Tami McDaniel made a motion to approve the application for Mr. Allen to work in KY; motion was seconded by Anna Jones and carried unanimously.

Beverly Willis Email

Mrs. Moore presented an email from Beverly Willis with Premier Home Care, Inc. Ms. Willis is inquiring specifically about the setup and fit for CPAP and bi-level masks and all other applications regarding sleep therapy. The Board agreed we had no control or jurisdiction over sleep labs. Tami McDaniel will respond to Ms. Willis.

Election of Chairman and Vice-Chairman

Tami McDaniel made a motion, to tender the Board's leadership as it stands, electing Dr. Byron T. Westerfield to serve as Chair and Klaus Becker to serve as Vice-Chair for the 2007-2008 term; seconded by Pat Fisher. Motion carried unanimously.

Announcements

The next regular meeting of the KBRC will be a special meeting to be held on Thursday, December 13, 2007 at 5:30 p.m., at the Spindletop Mansion, Iron Work's Pike, Lexington, KY.

Application Review

A motion was made by Anna Jones to accept all **38** applications since the last meeting; seconded by Dr. Vaezy. Motion carried unanimously.

The following **Student applications (13)** were approved:

William. D. Bowman, II, Joshua D. Brown, Janet F. Cox, Leslie B. Crace, Christie M. Daugherty, Brooke N. Ginn, Samantha G. Hampton, Lucas R. Harris, Kristin D. Johnson, Robert W. Rose, Kathy L. Sarkisian, Tonika D. Sluss, Andrew J. Tatum.

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

No temporary applications were presented.

The following **NBRC applications (13)** were approved:

Eddie W. Allen, Jimmy L. Berry, Justin R. Boggs, April M. Click, Katherine M. Fields, Margaret N. Jackson, Anita S. Johnson, Robert D. Kearns, Nassima Reid, Mendey C. Sanderson, Ericka R. Slone, Kristal M. Wall, Melissa “Lisa” Dean York.

The following **Reciprocity applications (12) were** approved:

Felisha M. Anderson, Joseph A. Arthur, Nicole M. Bates, Angela D. Blankenship, Melissa L. Cline, Michelle D. Friend, Shannon L. Gross, Belinda F. Hinton, Christopher M. Hizer, Nicole A. Ludwig, Lisa J. Oldom, Dario Rodriguez, Lisa A Turiczek.

Dr. Vaezy made a motion to adjourn the meeting at 8:15 p.m.; seconded by Anna Jones. Motion carried unanimously.

Klaus Becker, RRT, Vice-Chair
KY Board of Respiratory Care