

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

April 14, 2011

A regular meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., on Thursday, April 14, 2011 at Sal's, 3373 Tates Creek Road, Lexington, KY.

MEMBERS PRESENT

Tamara G. McDaniel, Chair
Jeff W. Knight, Vice-Chair
Janet R. Vogt
Jeff Smithern
Dr. Robert W. Powell

KBRC STAFF

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

OTHER

Cheryl Lalonde, AAG

Mrs. McDaniel, Chair, called the meeting to order at 5:45 p.m., at Sal's, 3373 Tates Creek Road, Lexington, KY.

Minutes

Jeff Knight moved to approve the February 17, 2011 meeting Minutes; seconded by Jeff Smithern. Motion carried unanimously.

Report from CEU Committee - Continuing Education

Mrs. Vogt stated those therapists claiming ceu's through Med Ed that had continuing education deficiencies was given ninety (90) days to replace their ceu's and only three (3) out of the 29 therapists remain to replace Med Ed ceu's. Jeff Smithern made a motion to have legal counsel pen letters to any therapist still pending that they have thirty (30) days remaining to replace their Med Ed ceu's; seconded by Janet Vogt which passed unanimously.

Mrs. Vogt reported she has reviewed and approved all the course booklets submitted by Med Ed continuing education courses (ceu's) by Yuridia K. Leyva of San Diego, California. Mrs. Vogt awarded Med Ed with provider # 144. Mrs. Vogt stated the Med Ed folks still have some items to correct. They have a drop down box with "KY" and another one that has "generic" ceu's. The other problem staff discovered was a ceu approved by Mrs. Vogt for 1.5 ceu's for KY then the Med Ed folks have it listed for 2.0 ceu's.

Janet Vogt made a motion to request legal counsel to pen a letter to Yuridia Leyva of Med Ed Systems, of San Diego, CA stating multiple times your website listed a number of continuing education units that exceeded the number approved by this Board and to make sure you are advertising the correct number of ceu units as its misleading for respiratory care practitioners to believe they have acquired a number of ceu's that is higher number of hours than the number of hours approved by the KY board; seconded by Jeff Smithern which passed unanimously.

Annette Corio KY # 4156 – 2011 Audit

The board discussed the 2011 audit of Annette Corio. It was noted a letter was sent to Ms. Corio requesting she send us her original ceu certificates for the 2011 audit review and she could not produce and she asked Mrs. Hansen with the KY Sleep Society to drop off ceu certificates for her. Ms. Corio is still deficient 5.25 hours on her 2011 audit which will entail an agreed order with a \$500 fine. After a lengthy discussion several failed motions were made as follows:

Jeff W. Knight made a motion for legal counsel to pen an agreed order with a \$500 fine for Annette Corio regarding her 2011 audit and discrepancies, false or element of deception on her ceu's; seconded by Janet Vogt. The record shows members Knight and Vogt voted for the motion and Dr. Powell; Jeff Smithern against the motion with Mrs. McDaniel voting to break the tie against the motion. Motion did not carry.

Jeff Smithern made a motion for legal counsel to pen an agreed order with a \$500 fine for Annette Corio with an additional fine of \$250 for the discrepancies, false or element of deception on her ceu's; seconded by Dr. Powell. The record shows Dr. Powell rescinds his second to the motion made by Mr. Smithern's motion and the motion failed.

A motion was made by Dr. Robert Powell to have legal counsel send Ms. Corio a letter with our concerns about her 2011 ceu submissions and request an explanation about two (2) certificates she presented and how did she obtain those certificates when they are not prepared in the format utilized by the KY Sleep Society; seconded by Janet Vogt. Motion passed unanimously.

Melinda Childress KY # 1296 – 2011 Audit

The Board reviewed a letter submitted by Melinda Childress regarding her 2011 ceu's being rejected. Jeff Knight made a motion for legal counsel to pen a letter to Ms. Childress telling her she has the option of submitting the curriculum for the ceu's in question relevant and applicable to the practice of respiratory care or she may request to go inactive status with no refund on renewal fee and exempt from the \$500 fine; seconded by Janet Vogt which passed unanimously.

Roman C. Duvall KY # 2763 – 2011 Audit

Mr. Duvall called the Board offices and talked with Ms. Lalonde and stated he had recently filed bankruptcy and was not practicing respiratory care in KY at this time. Ms. Lalonde stated he submit his license and request a "stay" on the agreed order with \$250 fine and if and when he returned to work in KY he would have to take care of the agreed order and fine at that time. Jeff W. Knight made a motion for legal counsel to send Mr. Duvall an Agreed Order as "surrender license as revoked" and approve the stay for Mr. Duvall; seconded by Dr. Powell which passed unanimously.

Rescind Agreed Orders/\$500 Fines - Seth Fell KY # 5908 & Carol Hickok KY # 5948

The Board reviewed requests by Seth Fell and Carol Hickok regarding their agreed orders for 2011 audits and both countered with good ceu's. Jeff W. Knight made a motion to approve the valid ceu's for Mr. Fell and Ms. Hickok and the Board rescinded the agreed orders previously

sent to both therapists, since they documented completion of the required continuing education requirements; seconded by Dr. Powell which passed unanimously.

Amend Agreed Order for David Broughton, KY # 2338 Re: CEU's from 14 to 8

The Board reviewed the 2011 audit of David Broughton. A motion was made by Jeff W. Knight for legal counsel to amend the agreed order for Mr. Broughton to submit 8 legitimate ceu's instead of 14 as required by agreed order including a \$500 fine; seconded by Dr. Powell which passed unanimously.

Jeff Knight made a motion to have legal counsel send a letter of prompt to remind the non-audited practitioners they must complete ceu shortages by submitting double the deficiency of ceu's and a \$250 fine. The regular audited therapists must complete their agreed order with a \$500 fine and submit double the deficiency of ceu's found short before the next meeting of June 22, 2011 or the Board will set the matter for a hearing; the motion was seconded by Janet Vogt. Motion carried unanimously.

Ms. Lalonde discussed with the board the need to update our continuing education regulations: KAR 29:050 and KAR 29:060 and presented a few items that would be helpful to the board and staff. Ms. Lalonde stated we need to streamline and put some protocols in place to make our requirements clear to our profession on requirements and address sponsors who we don't want to continue sponsoring. Mrs. McDaniel, Mrs. Vogt and staff along with Ms. Lalonde will meet on April 25, 2011 to review the regulations and make recommendations at the next meeting.

Complaints

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

Janet Vogt moved to come out of closed session; seconded by Dr. Powell. Motion carried unanimously.

Agreed Orders:

Terry Clark KY # 0742 – AO 12/02/2008

Ms. Lalonde reported Terry Clark is compliant. No action on the case.

Charlotte Dreux KY # 0773 – AO 12/02/2008; Amended AO 2/19/2009

Ms. Lalonde reported Charlotte Dreux is compliant. No action on the case.

Thomas W. Grant KY # 0527 – AO 3/17/2009

Ms. Lalonde reported Thomas W. Grant is compliant. No action on the case.

Eric Harmon KY # 5433 – AO 2/19/2009

Ms. Lalonde reported Eric Harmon is compliant. No action on the case.

Scotty D. Halsey KY # 2138 – AO 12/02/2008

Ms. Lalonde reported Scotty Halsey is compliant. No action on the case.

John “Jack” Harrison KY # 0285 – AO 12/02/2008

Ms. Lalonde reported John “Jack” Harrison is compliant. No action on the case.

Robert Kearn – KY # 5532 – AO 12/27/2010

Ms. Lalonde reported Robert Kearn is compliant. No action on the case.

Jason Perdue – KY # 5466 – AO 3/25/2010

Ms. Lalonde reported Jason Perdue is compliant. No action on the case.

Robert Kearn – KY # 5532 – AO 12/27/2010

Ms. Lalonde reported Robert Kearn is compliant. No action on the case.

Lisa A. Smith KY # 0386 – AO 3/25/2010

Ms. Lalonde reported Lisa A. Smith is compliant. No action on the case.

A motion was made by Jeff Knight to ask legal counsel to send new Agreed Orders for Mary Marcia Fuller, Amy Golden, Aimee Keen and Laura Thomas removing the requirement to attend AA or NA meetings; motion seconded by Dr. Hasselbacher. Motion carried unanimously.

Complaint Cases:

A. Roberta Brooks, KY # 1507 Filed by: Teresa Taylor

Jeff Knight made a motion to assign to an investigator to investigate the Roberta Brooks complaint; seconded by Janet Vogt. Motion carried unanimously.

B. Tamela Tyree, KY # 2039 Filed by: Janice Caldwell

Jeff Knight made a motion to continue the investigation on the Tamela Tyree complaint; seconded by Janet Vogt. Motion carried unanimously.

C. Heather R. Carmical, KY # 4087 Filed by: Atty. for Jane Perkins, RN

Jeff Knight made a motion to dismiss the complaint on Heather R. Carmical without prejudice due to insufficient facts to support violations of law; seconded by Janet Vogt. Motion carried unanimously.

D. Sandra Moore, KY # 1810 Filed by: Atty. for Jane Perkins, RN

Jeff Knight made a motion to dismiss the complaint on Sandra Moore without prejudice due to insufficient facts to support violations of law; seconded by Janet Vogt. Motion carried unanimously.

Mrs. Moore presented a letter of resignation from Gail A. Darley as member-at-large. Mrs. Darley stated due to health reason she regretted she had to resign from the Board.

Application Review

A motion was made by Jeff Smithern to accept all **48** applications since the last meeting; seconded by Dr. Powell. Motion carried unanimously.

The following **Student applications (11)** were approved:

Brittany M. Hamilton, Laura C. Hayes, Sara D. Hoffman, Michael R. Mattingly, Stephanie J. Mitchell, Bradley J. Oelkers, Samantha J. Pitman, Dawn M. Reynolds, Michael Stoneking, Charles D. Thompson, and Matthew D. Whitlock.

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

No temporary licensures were issued during this period.

The following **NBRC applications (19)** were approved:

Jennifer S. Abbott, Patty S. Albright, Pearce N. Anyanwu, Judy F. Asher, Courtney L. Colegrove, Ashley M. Dassel, Lisa D. Dilabio-Knapp, Ashley M. Eveland, Steven D. Gruber, Kenisha C. Hickman, Billy E. Light, Patrick M. Lopez, Kevin M. Melzer, Deena M. Neace, Sarah C. Pomerleau, Tiffany D. Price, Melissa A. Riordan, Justin M. Rolf and Macaira A. Van Duyn.

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

Jody C. Adkins, Patricia S. Brittain, Ashley M. Chasteen, Ronald D. Childress, Jr., Mary Heather Dooley, Lisa G. Edwards, Wm. K. Guagliardo, Tonya M. Kelly, Courtney L. Lewis, Charles D. Meadows, Michelle L. Merchhant, Lori L. Owens, Alexander S. Ramsay, Karyn L. Schmelzer, Jennifer R. Scribner, Christia R. Self, Susan D. Stout and Donelle L. Williams.

Jeff Knight made a motion to adjourn the meeting at 8:35 p.m.; seconded by Jeff Smithern. Motion carried unanimously.

Tamara G. McDaniel, Chair
KY Board of Respiratory Care

