

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

December 11, 2012

A special meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., on Tuesday, December 11, 2012 at Sal's, 3373 Tates Creek Road, Lexington, KY.

MEMBERS PRESENT

Janet R. Vogt, BHS, RRT, Chair
Jeff W. Knight, RRT, Vice-Chair
Jeff Smithern, RRT
Dr. Robert W. Powell
Tina Siddon, RRT
Kathleen Kearney Schell
Dr. Matthew McIntosh

KBRC STAFF

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

OTHER

Cheryl Lalonde, AAG

Ms. Vogt called the meeting to order at 5:30 p.m., at Sal's Chophouse, 3373 Tates Creek Road, Lexington, KY.

Ms. Vogt called the first order of business, asking Ms. Moore to administer the Oath of office to Ms. Schell, and Dr. Powell. Governor Beshear appointed Ms. Schell and Dr. Powell on November 16, 2012 to serve three-year terms until October 31, 2015.

Minutes

Mr. Smithern moved to approve the October 17, 2012 minutes; seconded by Dr. McIntosh. Motion carried unanimously.

Financial Statement

Ms. Moore presented the financial statements from October 1-31, 2012 and November 1-30, 2012. Mr. Knight stated he had reviewed the financial statements and the reports reconciled to the penny. Mr. Knight suggested to only send the email excel spread sheet to the members since the Finance Cabinet's Emars reports are hard to digest. Mr. Knight made a motion to approve the financial reports for October 1-31, 2012 and November 1-30, 2012; seconded by Mr. Smithern. Motion carried unanimously.

Ms. Moore told the Board that she had tried unsuccessfully to negotiate with Real Properties and HM Short Street on the rental increase. The Board's rental increase began on November 1, 2012 increasing our rent by 29% or \$5,325.

Mr. Knight made a motion to sign the lease so long as we have a 30-day opt out clause and a three year agreement; in the interim staff is to look for other office space available in Lexington

suitable for the Board with a cost savings. The motion was seconded by Dr. McIntosh and carried unanimously.

Ms. Moore told the Board the KERS nonhazardous employer contribution rates for the KY Retirement Systems is 26.79 percent for the fiscal years 2013-2014.

Continuing Education

Review of CEU Form

Ms. Vogt stated that in the last meeting, there was a request to clarify the terms "provider" and "licensee" on the CEU application. After research by Ms. Vogt, and since there have been no other complaints, Ms. Vogt suggests we not make any change to the current CEU form.

Dave Nicholas Meeting

Ms. Vogt told the Board at the last meeting we discussed the board's options regarding fingerprinting of applicants. Staff researched and found that the only neighboring state surrounding KY that did not fingerprint was West Virginia. It was discussed that in place of fingerprinting we would incorporate a statement on the current application form, such as "Have you ever been denied a licensure in any other state?" The Board would be able to revoke the license if the applicant gave an untruthful answer. This option was later discussed with Mr. Nicholas to see if adding the question would necessitate a regulation change. Making changes to an existing form would require an amendment to our regulation. Ms. Lalonde stated one cannot require fingerprinting without statutory authority and it also adds cost to licensees. Ms Lalonde stated that the current economic climate is not good at this time for raising applicant costs. At this time, the Board feels that fingerprinting would add an unwanted additional financial burden on practitioners.

Ms. Vogt tabled the idea of a possible regulation change (that would incorporate a question on the current applications) to a later date. One member of the board mentioned most hospitals perform their own background checks before they hire therapists.

Ms. Vogt stated that she and Ms. Moore met with Mr. Nicholas on December 10, 2012 to discuss scope of practice. Currently our law allows the respiratory therapist to take orders only from a physician and not anyone else.

In conversation with Mr. Nicholas there was consensus that enlarging scope of practice, whether regulatory or statutory, should be discussed with the KY Society of Respiratory Care. Scope of practice falls under their domain and legislation should originate from them. Mr. Nicolas reiterated that the KBRC's purpose is to oversee the practice and to protect the public against unsafe respiratory practice.

Mr. Nicholas recommended that Ms. Vogt meet with the President of the KY Society of Respiratory Care and share all concerns with fingerprinting as well as scope of practice. He suggested including talks with the KY Nursing Board for their support with regard to the ANPs.

Mrs. Moore asked Mr. Nicholas his position on raising licensure fees. She stated the Board has had one increase in 2006 to increase licensure fees in 22 years. Mr. Nicholas stated the legislature sees raising fees as taxation on constituents and the climate was not desirable to raise fees.

Mrs. Vogt plans to meet with the KSRC and if the KSRC decides to look at the future feasibility of opening the law we would request all regulatory changes be implemented to alleviate any confusion later. This would include any improvements in the clarity of the current language.

Staff Report

Mrs. Moore and Mr. Rose gave an update on activities since the last 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.

Ms. Siddon moved to come out of closed session; seconded by Mr. Smithern. Motion carried unanimously.

Agreed Orders – KYPRN Reporting Cases Compliant

Tami Balsler-Sanders

Mr. Fingerson reported Tami Balsler-Sanders is compliant. No action needed.

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.

Jason Perdue

Mr. Fingerson reported Jason Perdue is compliant. No action on the case.

Amy Lynn Golden

Mr. Fingerson reported Amy Lynn Golden 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.

Stanley Fields

Mr. Fingerson reported Stanley Fields is compliant. No action on the case.

April Dawn Hall

Mr. Fingerson reported April Dawn Hall is compliant. No action on the case.

Paul Sublett

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

Shannon Keys

Mr. Fingerson reported Shannon Keys is compliant. No action on the case.

Tricia Dees

Mr. Fingerson reported Tricia Dees is compliant. No action on the case.

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

Carla Jo Hale - 2012 CEU Audit Case/Hearing Set for February 21, 2013 at 9:00 a.m. EST

The case is currently scheduled for a hearing on Thursday, February 21, 2013 at 9:00 a.m., in the Board's conference room. Mr. Knight made a motion that counsel participate in a Prehearing Conference on December 14, 2012; seconded by Tina Siddon. Motion carried unanimously.

Eric Harmon

Jeff Knight made a motion for counsel to prepare an order suspending the license for a minimum of six (6) months and until Mr. Harmon can confirm six (6) months of continued sobriety and compliance with KYPRN and the terms of our order. The motion was seconded by Ms. Siddon and passed unanimously.

Aimee Keen

A motion was made by Jeff Knight stating Aimee Keen is not compliant with the KYPRN agreement and the KBRC Agreed Order. She must document requisite compliance before she may petition the Board for reinstatement. The motion was seconded by Ms. Siddon and passed unanimously

Kim Murphy

Jeff Knight made a motion to see the KYPRN reports due in October and November before the Board makes a further decision. The motion was seconded by Ms. Siddon and passed unanimously.

Elizabeth McVeigh

FYI. Ms. Lalonde stated Ms. McVeigh signed her Agreed Order.

Linda Foley

The case is currently scheduled for a hearing on January 24, 2013 at 9:00 a.m., in the Board's conference room. Mr. Knight made a motion that counsel participate in a Prehearing Conference on December 14, 2012; seconded by Tina Siddon. Motion passed unanimously. Jeff Smithern recused from the discussion and vote on this complaint.

Richard Dials

Ms. Knight made a motion to inform Mr. Dials that if he does not sign the Agreed Order the matter will be set for a hearing; seconded by Ms. Siddon. Motion carried unanimously.

John Beck

Mr. Knight made a motion to continue the case until the next Board meeting to give Mr. Beck's attorney time to meet with his client; seconded by Ms. Siddon. Motion carried unanimously.

Complaint Cases:

A. Christopher Killen

Mr. Knight made a motion to see if the Agreed Order for Mr. Killen was sent certified mail; seconded by Dr. Powell. Motion carried unanimously.

B. Allen W. Smith

A motion was made by Mr. Knight to continue the case for further investigation; seconded by Dr. Powell. Motion carried unanimously. Jeff Smithern recused from the discussion and vote.

C. Gerald Pile

Mr. Knight made a motion to have counsel draft a letter to Mr. Pile's attorney regarding the status of Mr. Pile's student license since he is no longer enrolled in a program; seconded by Dr. Powell. Motion carried unanimously.

D. Rodney S. Reynolds

Mr. Knight made a motion to send Mr. Reynolds a letter requesting he obtain an evaluation by a KY licensed addictionologist or certified alcohol and drug counselor. The Board will issue an Agreed Order based on the results of the evaluation; seconded by Dr. Powell. Motion carried unanimously. Mr. Smithern recused from the discussion and vote.

E. Ronnie Joe Hayden

FYI. Mr. Hayden signed the Agreed Order.

F. Harry Henderson

Mr. Knight made a motion to send Mr. Henderson a letter stating the current information submitted will not hinder him from obtaining a license; seconded by Dr. Powell. Motion carried unanimously.

G. Sandra A. Robertson

Mr. Knight made a motion to approve the renewal; seconded by Dr. Powell. Motion carried unanimously.

H. Jamie Stewart

Mr. Knight made a motion to send Jamie Stewart a letter stating the current information submitted will not hinder him from obtaining a license; seconded by Dr. Powell. Motion carried unanimously.

I. Daniel C. Batsche

Mr. Knight made a motion to send Mr. Batsche a letter requesting he obtain an evaluation by a KY licensed addictionologist or certified alcohol and drug counselor. The Board will issue an Agreed Order based on the results of the evaluation; seconded by Dr. Powell. Motion carried unanimously. Mr. Smithern recused from the discussion and vote.

J. Holly Shane Hall

Mr. Knight made a motion to send Ms. Hall a letter requesting she obtain an evaluation by a KY licensed addictionologist or certified alcohol and drug counselor. The Board will issue an Agreed Order based on the results of the evaluation; seconded by Dr. Powell. Motion carried unanimously.

Correspondence – FYI

Mrs. Moore presented the following as FYI: Governor Beshear's Executive Order reappointing Dr. Powell & Ms. Schell; Randall Snook, RRT, CPFT letter; KY.Gov Letter of Acceptance for 2013 renewals and verifications; Tracy Matthews Email; Beverly Miller Dismissal letter; Email to Chris Logsdon @ Ohio Respiratory Board; Rebecca Thomas inquiry; Beverly Powell email; 2013 State holiday listing; 2013 KBRC meeting dates; Lynn Hacker email and AdvocacyAction@bellsouth.net email.

New Business

We Care Medical

Mrs. Moore told the Board we received a complaint from Julie Wickline on We Care Medical of Ashland, KY wherein a student was working unsupervised. Mrs. Moore stated the student is not licensed in KY. The Board requested the complaint be forwarded to We Care Medical for a response.

Andres Riobueno of Asbestos.com Request

Mrs. Moore presented an email request from Andres Riobueno with Asbestos.com requesting a link to our website. Staff shall send a response indicating we cannot approve Mr. Riobueno's request.

Election of KBRC Chairman and Vice-Chairman for 2013

Ms. Vogt opened the floor for nominations for Chair to serve for calendar 2013. Mr. Smithern made a motion nominating Ms. Vogt to serve as Chair and Mr. Knight to serve as Vice Chair for 2013; seconded by Ms. Schell. Motion carried unanimously.

Announcements

Ms. Vogt announced the next meeting is set for Thursday, February 21, 2012, at 5:30 p.m., at the KBRC offices, or if inclement weather the meeting will be held on February 28, 2013, at 163 W. Short Street, Suite 350, Lexington, KY.

Application Review

A motion was made by Jeff Knight to accept all **32** applications since the last meeting; seconded by Jeff Smithern. Motion carried unanimously.

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

Shawn D. Castle, Tim Clark, Amber B. Fultz, Amanda D. Harrington, Wayne Stevens and Anna R. Thompson.

The following **Temporary applications (7)** were approved:

Jeanne L. Conro, Felicia M. Keeton, Michelle R. Mandry, Lauren M. McNeil, Kristen N. Simak, Kayla A. Warren and Tracy E. Williams.

The following **NBRC applications (5)** were approved:

David S. Allen, Michael J. Davenport, Shannon E. Harkinson, Tarah M. Mastin and Casey L. Sexton.

The following **Reciprocity applications (14)** were approved:

Annette L. Aleywine, Eric S. Anderson, Thomas D. Baxter, Magon A. Damron, Matthew L. Dawson, Eric G. Evans, Chelsea A. Fox, JaVonna M. Fraasier, Shallum B. Furbush, Robert J. Harris, Scott M. Jensen, Beth A. Plummer, Sherea D. Kelsey, and Malanea G. Stockton.

Approval of Per-diem, Compensation, Travel and Honoraria

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

Mr. Smithern made a motion to adjourn the meeting at 8:15 p.m.; seconded by Ms. Siddon. Motion carried unanimously.

Janet R. Vogt, BHS, RRT, Chair
KY Board of Respiratory Care