

# KENTUCKY BOARD OF RESPIRATORY CARE

## MINUTES

October 17, 2012

A regular meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., on Wednesday, October 17, 2012 at the KBRC, 163 W. Short Street, 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

### KBRC STAFF

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

### OTHER

Cheryl Lalonde, AAG

Mrs. Vogt, Chair, called the meeting to order at 5:30 p.m., in the 3<sup>rd</sup> floor conference room at the KBRC offices, 163 W. Short Street, Lexington, KY.

### Minutes

Dr. Powell moved to approve the August 16, 2012 minutes; seconded by Jeff Knight. Motion carried unanimously.

### Continuing Education

#### NBRC 2012 National Licensure Meeting

Mrs. Siddon and Mrs. Vogt reported on the National Board for Respiratory Care's Licensure Liaison Meeting that they attended with Mrs. Moore. The meeting was held on September 7-9, 2012 in Olathe, Kansas. Twenty-seven state licensure boards participated in this meeting. It was reported that AARC, CoARC and NBRC all presented new information to meeting participants. Topics of particular interest were background checks/fingerprinting for licensure and the 2015 and Beyond Initiative which included a discussion on competencies needed by practicing and new therapists. Further information regarding information from this meeting can be found in the current KBRC newsletter at [kbrc.ky.gov](http://kbrc.ky.gov).

#### Update on Carla Jo Hale - 2012 CEU Audit Case

Mrs. Moore advised Carla Jo Hale received the Board's Agreed Order which includes a \$500 fine for insufficient CEU's during the 2012 CEU audit process. Ms. Hale states she has not worked during the last two years and did not have the means to pay the \$500 fine. Jeff Knight made a motion to set a hearing on February 21, 2013 at 9:00 a.m., for Carla Jo Hale regarding her 2012 CEU audit; seconded by Tina Siddon. Motion carried unanimously.

### Lynn Hacker Inquiry

Mrs. Vogt discussed an email inquiry from Lynn Hacker. Mrs. Hacker had inquired as to whether a therapist could perform non-invasive respiratory diagnostics and education without being under medical direction. The Board agreed that if Mrs. Hacker is representing herself as a RCP in her employment, then according to KRS 314A.100, "a respiratory care practitioner may perform respiratory care procedures under medical direction with documented competency, in accordance with agency and facility guidelines and only in accordance with the prescription of a physician". Anything contrary is in violation of our scope of practice.

### Fingerprinting & Background Checks on KY Licensees

Mrs. Vogt had requested staff in a previous meeting to research neighboring states on whether they required fingerprinting for licensure. From the search it was shown that the neighboring states around KY require fingerprinting for RT licensure, with the exception of West Virginia. At this time, the Board feels that fingerprinting would add an unwanted additional financial burden on practitioners.

### Review of CEU Form

Mrs. Vogt stated the Education Committee has not had a chance to review the CEU form for any possible changes and will get back to the Board after conferring with legal counsel. Ms Vogt did inform the Board that the past complaint regarding the complaint about the CEU forms was the only complaint that the Board has received requesting clarity between "provider" and "licensee" on the CEU application.

### Beverly Powell, Premier Home Care, Inc.

Mrs. Vogt presented an email inquiry from Beverly Powell with Premier Home Care, Inc. Ms. Powell inquired as to who could receive and transcribe oxygen orders regarding DME companies. The Board agreed those individuals writing and dispensing the oxygen order must be licensed pursuant to KRS 314A.100 (3). The KY Board of Pharmacy is now the licensure board for the DME companies.

### 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.

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

### Agreed Orders – KYPRN Reporting Cases Compliant

#### Tami Balser

Mr. Fingerson reported Tami Balser 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.

Aimee C. Keen

Mr. Fingerson reported Aimee C. Keen is compliant. No action on the case.

Kim Murphy

Mr. Fingerson reported Kim Murphy 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, KY # 1304

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**

Eric Harmon

FYI on Eric Harmon. No action on the case.

Elizabeth McVeigh

Mr. Fingerson reported Elizabeth McVeigh has failed to comply with her KYPRN and Agreed Order. A motion was made by Jeff Knight asking legal counsel to draft a hearing notice and complaint setting Ms. McVeigh for a hearing on January 24, 2013 at 1:00 p.m., EST at the Board's offices; seconded by Tina Siddon. Motion passed unanimously.

Linda Foley

Mrs. Moore indicated Linda Foley has failed to contact the Board within 30 days pursuant to her Agreed Order. It is also noted Ms. Foley's attorney has notified the Board that she no longer represents Ms. Foley. A motion was made by Jeff Knight asking legal counsel to draft a hearing notice and complaint setting Ms. Foley for a hearing on January 24, 2013 at 9:00 a.m., EST at the Board's offices; seconded by Tina Siddon. Motion passed unanimously. Jeff Smithern recused from the discussion and vote on this complaint.

Richard Dials

Mr. Fingerson reports Richard Dials has contacted him stating he has had some medical problems and cannot financially continue with the terms of his KYPRN. Jeff Knight made a motion for a Second Agreed Order of Reinstatement to be issued for Richard Dials, which shall include six (6) months of documented sobriety through KYPRN before he could petition the Board for reinstatement of his mandatory certificate; seconded by Tina Siddon. Motion carried unanimously.

John Beck

Jeff Knight made a motion for legal counsel to contact John Beck's attorney to try to settle the case informally since Mr. Beck has not signed his Agreed Order; seconded by Tina Siddon. Motion carried unanimously.

**Complaint Cases:**

A. Beverly Miller

Jeff Knight made a motion to dismiss the complaint against Beverly Miller without prejudice because there were insufficient facts to support a violation of law; seconded by Jeff Smithern. Motion carried unanimously.

B. Christopher Killen

Jeff Knight made a motion to revoke the respiratory licensure of Christopher Killen permanently and have legal counsel draft a Final Order and Notice of Appeal Rights for Mr. Killen; seconded by Jeff Smithern. Motion carried unanimously.

C. Allen W. Smith

A motion was made by Jeff Knight for continuation of the case to further investigate the complaint; seconded by Tina Siddon. Motion carried unanimously. Jeff Smithern recused from the discussion and vote on this complaint.

D. Gerald Pile

Jeff Knight made a motion to continue the case as requested by Mr. Pile's attorney pending the court's decision; seconded by Jeff Smithern. Motion carried unanimously.

**KBRC 2013 Meeting Dates Confirmed**

The Board approved the 2013 meeting dates to be held at the KBRC offices with the exception of the December 2013 meeting. All Board meetings will commence at 5:30 p.m., EST:

*Thursday, February 21, 2013 or*

*\*Thursday, February 28, 2013 – alternate date in event of inclement weather*

*Thursday, April 18, 2013*

*Thursday, June 20, 2013*

*Thursday, August 15, 2013*

*Thursday, December 12, 2013 – Location TBA in Lexington, KY.*

## **Announcements**

Mrs. Vogt announced the next meeting is set for Thursday, December 13, 2012, at 5:30 p.m., at Sal's Chophouse, 3373 Tates Creek Road, Lexington, KY.

## **Application Review**

A motion was made by Jeff Smithern to accept all **35** applications since the last meeting; seconded by Tina Siddon. Motion carried unanimously.

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

Erica J. Bodemann, Tamika L. Hall, Ashley M. Hamilton, Felicia M. Keeton, Jillian M. Roberson and Tina R. Roberts.

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

No temporary licensure to review.

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

Katlyn M. Baker, Keshia R. Bryant, Jessica H. Bryant, Jorden H. Bryant, Lindsey T. Conrad, Richard L. Craft, Melissa J. Collins, Steven C. Creswell, Casey R. Gregory, Emma K. Johnson, Teresa Langley, Kimberly A. Maxey, Ryan G. McCutcheon, Alisha F. Cassidy, Cynthia G. Pacheco, Alexia M. Robbins, Brooke R. Thomas, Melissa A. Turning and Veronica I. Wynn.

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

Linda M. Barrientos, Judith M. Callison, Kelli R. Decker, Matthew A. Finlay, Allen R. Harding, Stacy G. Middleton, David A. Lewis, Jessica L. Robinson, LaTanja T. Savage and Olivia M. Trotter.

## **Approval of Per-diem, Compensation, Travel and Honoraria**

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

Kathleen Kearny Schell made a motion to adjourn the meeting at 8:25 p.m.; seconded by Dr. Powell. Motion carried unanimously.

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