

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES
December 9, 2021

The Kentucky Board of Respiratory Care held a meeting on Thursday December 9, 2021 via Zoom videoconference.

MEMBERS PRESENT

Tom Baxter, RRT, Chair
Ken McKenney, RRT, Vice Chair
Marlene McKinley, RRT
Scott Pettinichi, RRT
Mohamed Saad, MD

KBRC STAFF

Tamara G McDaniel, Executive Director
August Pozgay, Legal Counsel

Call to Order

Chair Tom Baxter called the meeting to order at 5:30pm.

Minutes

Mr. McKenney made a motion to accept the meeting minutes of October 21, Ms. McKinley seconded the motion. Motion carried unanimously.

Financial Statement

Ms. McDaniel presented the FY2022 year to date, financial report and budget report. She reported that the Board's spending for the fiscal year to date is within the budget allotment for the 2nd quarter. Ms. McDaniel reported that the Kentucky Public Pension Authority (KPPA) set the amount of employer contributions for the 23 & 24 fiscal years. The total contribution for our agency under the Executive Branch of government is to be calculated and approved by the General Assembly during the 2022 session. Ms. McDaniel estimates that based on the KPPA percentage, the new rate for FY 23 & 24 will be close to the current rate of 83.79%.

Ms. McDaniel reported that she has submitted the 2023 & 2024 budget to the Office of the State Budget Director.

Staff Report

Ms. McDaniel reported that the activities of the staff since the last meeting. Ms. McDaniel reported that the cloud-based database was initiated by KY Interactive on October 29th. Outside of daily activities, Ms. McDaniel and Mr. Rose have been busy with the 2022 license renewal that started on November 1st. Ms. McDaniel reported that she was the guest speaker at a pinning ceremony for Southeast KY KCTCS in Pineville. Ms. McDaniel also reported that she attended six financial trainings and 1 training on ethics.

Old Business

05a. Limited Mandatory scope of practice-

Ms. McKinley made a motion to form a special committee to review the need for changes in the Limited Mandatory scope of practice. Mr. McKenney seconded the motion. Motion carried unanimously. Mr. Pettinichi and Mr. McKenney will serve on the committee.

Closed Session

Mr. McKenney made a motion for the Board to go into closed session, pursuant to KRS 61.810(1) (c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. Mr. Pettinichi seconded the motion. The motion carried unanimously.

Agreed Orders – Compliant Cases

Tara Adams #8091

Ms. McDaniel reported that Tara Adams is compliant. No action on the case.

Stacey Colyer #5821

KYPRN reported that Stacey Colyer is compliant. No action on the case.

Brenda Monroe #8744

KYPRN reported that Brenda Monroe is compliant. No action on the case.

Deborah Muehlenbein #7248

Ms. McDaniel reported that Deborah Muehlenbein is compliant. No discussion or action on the case.

Ali Omar #8652

KYPRN reported that Ali Omar is compliant. No action on the case.

Justin Smith #8656

Ms. McDaniel reported that Justin Smith is compliant. No action on the case.

Sabrina Williams #7488

Ms. McDaniel reported that Sabrina Williams is compliant. No action on the case.

Agreed Orders – Non- Compliant Cases

Brian Downey #5860

KYPRN reported that Brian Downey has not been compliant with the requirements of his KYPRN contract. Mr. McKenney made a motion that Mr. Downey mandatory certificate #5860 be suspended as stated under the terms of his Agreed Order with the Board. Ms. McKinley seconded the motion. Motion carried unanimously.

Active Complaint Cases

1. James E. Cash #1771- Complaint # KBRC-2020-1771

Ms. McDaniel reported that the 15 day period to file exceptions has passed without an filings by Mr. Cash. Mr. McKenney made a motion to take final action and accept the Administrative Hearing Officer's Recommended Order of Default Judgement for Revocation on the Mandatory Certificate of James E. Cash #1771. Dr. Saad seconded the motion. Motion carried unanimously

2. Kimberly Moore Agreed Order # KBRC-21-1636

Ms. McDaniel reported that Ms. Moore has not responded to the offer of an Amended Agreed Order. Mr. McKenney made a motion to flag the file of Ms. Moore to be reviewed by the Board if she ever makes application for reinstatement in the future. Ms. McKinley seconded the motion. Motion carried unanimously.

3. Compliant # KBRC-2021-6901

Ms. McDaniel reported that the licensee has not responded to the offer of Agreed Order. Mr. McKenney made a motion to file a Formal Complaint and move forward with revocation of the license. Dr. Saad seconded the motion. Motion carried unanimously.

4. Marcus Allen – Appeal of License Denial

Ms. McDaniel reported that a pre hearing conference is set for December 14th. No further action at this time.

5. Complaint # KBRC-21-5925

Ms. McDaniel reported that the Agreed Order was received from legal counsel and sent to the licensee on November 30, 2021. She has 30 days to respond. The response will be brought back to the February meeting. No further action at this time.

6. Complaint # KBRC-21-4740

Mr. McKenney made a motion to file a Board Complaint against the licensee. The complaint is based on the allegations the Board received against the practice of the licensee. Mr. Pettinichi seconded the motion. Motion carried unanimously. Ms. McKinley recused from all discussion and vote.

7. Complaint # KBRC-21-5674

Mr. McKenney made a motion to file a Board Complaint against the licensee. The complaint is based on the allegations the Board received against the practice of the licensee. Mr. Pettinichi seconded the motion. Motion carried unanimously. Ms. McKinley recused from all discussion and vote.

8. Complaint # KBRC-21-2906

Mr. McKenney made a motion to file a Board Complaint against the licensee. The complaint is based on the allegations the Board received against the practice of the licensee. Mr. Pettinichi seconded the motion. Motion carried unanimously. Ms. McKinley recused from all discussion and vote.

9. Complaint # KBRC-21-1846

Mr. McKenney made a motion to file a Board Complaint against the licensee. The complaint is based on the allegations the Board received against the practice of the licensee. Mr. Pettinichi seconded the motion. Motion carried unanimously. Ms. McKinley recused from all discussion and vote.

10. Complaint # KBRC-21-8166

Mr. McKenney made a motion to file a Board Complaint against the licensee. The complaint is based on the allegations the Board received against the practice of the licensee. Mr. Pettinichi seconded the motion. Motion carried unanimously. Ms. McKinley recused from all discussion and vote.

11. Complaint # KBRC-21-7038

Mr. McKenney made a motion to send a letter of admonishment to the licensee. Mr. Pettinichi seconded the motion. Motion carried unanimously.

12. Complaint # KBRC-21-8478

Mr. McKenney made a motion to send a letter of admonishment to the licensee. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Applications

1 Emergency Permission request M. M. K.

Ms. McDaniel reported that she had received a preliminary application for emergency permission to practice in Kentucky and the applicant had a disciplinary action in California in 2017. Ms. McDaniel requested that the Board review the information provided regarding the disciplinary action. Mr. McKenney made a motion to approve the emergency permission application once it is complete and to issue a license for Mandatory certification if he applies. Dr. Saad seconded the motion. Motion carried unanimously.

2. Request of review for future applicant J.W.

Mr. McKenney made a motion to draft a letter to the future applicant informing them that the current information presented to the Board would not prevent them from obtaining a license in the future. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Closed Session

Mr. McKenney made a motion to come out of closed session; Ms. McKinley seconded the motion. Motion carried unanimously.

New Business

1. 2022 Renewal Audit

Dr. Saad made a motion to audit the minimum of 15% of the 2022 Active renewal. Ms. McKinley seconded the motion. Motion carried unanimously.

2. Election of Chair and Vice Chair

Dr. Mohammad made a motion to accept the nomination of Ken McKenney as Chairman. Ms. McKinley seconded the motion. Motion carried unanimously.

Mr. McKenney made a motion to accept the nomination of Marlene McKinley as Vice-Chair. Dr. Saad seconded the motion. Motion carried unanimously.

3. 2022 Meeting Dates and Times

Ms. McKinley made a motion to set the 2022 meeting dates to the following:

February 17, 2022, April 21, 2022, June 23, 2022, August 18, 2022 October 20, 2022 and December 8, 2022 with all meetings to be held at 5:30pm. Mr. McKenney seconded the motion. Motion carried unanimously.

4. Application Review

Ms. McDaniel reported that there were **54** Mandatory applications, of which **40** were Reciprocity applications, and **12** Limited Mandatory (student) applications. There were no application issues to report.

Mr. McKenney made a motion to ratify approval of all new applications Dr. Saad seconded the motion. Motion carried unanimously.

The following **Limited Mandatory applications (12)** were approved: Jennifer Baker, Carolyn Castle, Trenton French, Allanna Garrison, Madison Hatton, Jacob Klueh, Zachary Johnson, Chelsey Pinto, Crystal Thomas, Crystal VanBuren, Taylor Wilburn, Jennifer Williams.

The following **Mandatory applications (54)** were approved: Krystal Alexander, Julie Barrera, Lorianne Bedock, Megan Bolton, Sheldon Brown, Neva Chaffins, Nicole Christman, Lorianne Clark, Jonathan Coppella, Summer Corbin, Crystal Corley, Camilla Cummings, Clifton Dedrickson, TraCee Dickerson, Jade Elliott, Kristin Evans, Constance Gaskins, Tammy Guerassio, Gregory Gullett, Ethan Harless, Joshua Havard, John Healey, Marla Hocking, Michelle Hubert, Benjamin Hummel, Sherita Jackson, Melissa Jopes, Jennifer June, Melissa Kimes, Crystal Lynn, Rachel McGuire, Gregory Meade, Roxanne Montgomery, Brooklyn Napier, Brandi Neer, Tara Ostlund, Janeece Penrod, Myra Rancher, Krystal Richardson, Jordan Roberts, Bailey Rubenking, Corina Savage, Andria Scales, Jennifer Scudder, Benjamin Seal, Joshua Stallard, Melinda Stutler, Tia Thibodeaux, Heather Trent, Becky Warren, Michael Watson, Jamie Wells, Jamie Yarber, Charles Zito.

5. Dr. Saad made a motion to raise the pay of Board staff to the following: Mr. Rose will receive an increase of \$5000 effective December 16, 2021. Ms. McDaniel will receive an increase of \$10,000 in two increments. The first increase for Ms. McDaniel will be \$5000 on December 16, 2021 and second will be \$5000 on July 1, 2022. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Announcements

1. The next meeting will be held Thursday, February 17, 2022 at 5:30 p.m., EST

2. Dr. Saad made a motion to approve the payment of per diem, compensation, travel at 44 cents per mile, and honoraria for board members. Mr. Pettinichi seconded the motion. Motion carried unanimously.

3. Dr. Saad made a motion to adjourn the meeting. Mr. Pettinichi seconded the motion. Motion carried unanimously. Meeting adjourned at 8:45 p.m.



Ken D. McKenney, Chair
KY Board of Respiratory Care