

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES
February 17, 2022

The Kentucky Board of Respiratory Care held a meeting on Thursday February 17, 2022 at Courtyard Marriott, Lexington KY and via Zoom videoconference.

MEMBERS PRESENT

Ken McKenney, RRT, Chair
Tom Baxter, RRT
Scott Pettinichi, RRT
Sonia V. Compton, MD
Shelia Thornsberry, Citizen at Large

KBRC STAFF

Tamara G McDaniel, Executive Director
Rick Rose, Administrative Assistant
August Pozgay, Legal Counsel
Clayton Patrick, Office of Legal Services, PPC

GUESTS

Eric Reed
Phillip Tidwell

Call to Order

Chair Ken McKenney called the meeting to order at 5:30pm.

Swearing In of New Member

Ms. McDaniel performed the swearing in of Dr. Sonia Compton

Closed Session

Mr. Baxter made a motion to enter closed session with board staff and counsel, pursuant to KRS 61.815 and KRS 61.810 (1)(j) regarding deliberations of quasi-judicial bodies, in the matter of: the application of P.T. Dr. Compton seconded the motion. Motion carried unanimously.

Mandatory Application of P.T. – Mr. Baxter made a motion to ask for more information from P.T. including arrest records, charging documents or citations and a court document confirming disposition of the case(s) . Mr. Pettinichi seconded the motion. Motion carried unanimously.

Mr. Baxter made a motion to defer consideration of the Mandatory Application of P.T. until the next meeting of the Board. Mr. Pettinichi seconded the motion Motion carried unanimously.

Ms. Thornsberry did not participate in the discussion or vote, as she had not yet been sworn in..

Mr. Baxter made a motion to come out of closed session. Dr. Compton seconded the motion. Motion carried unanimously.

Swearing In of New Member

Ms. McDaniel performed the swearing in of Shelia Thornsberry, Citizen at Large

Minutes

Mr. Pettinichi made a motion to accept the meeting minutes of December 9, 2021. Dr. Compton 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 revenues are on target and that spending for the fiscal year to date is within the budget allotment for the 3rd quarter and for the fiscal year.

Staff Report

Ms. McDaniel and Mr. Rose reported that the activities of the staff since the last meeting.

Old Business

Limited Mandatory Committee

Mr. Pettinichi reported that the committee held its first meeting and reviewed the current statutes and regulations in Kentucky in comparison to other states in the region.

Legislative Update

Mr. Pozgay updated the Board on the 2022 Legislative Session.

Closed Session

Mr. Baxter moved to enter closed session, with board staff and counsel, pursuant to KRS61.815 and KRS 61.810(1) (j) regarding deliberations of quasi-judicial bodies. These deliberations include complaints on licensees, proposed discipline and license application reviews.

Mr. Pettinichi seconded the motion. The motion carried unanimously.

Agreed Orders – Compliant Cases

Tara Adams #8091

Ms. McDaniel reported that Tara Adams provided her renewal audit, is compliant and has completed her Agreed Order. 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 provided his renewal audit and is compliant. No action on the case.

Sabrina Williams #7488

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

Active Complaint Cases

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

Ms. McDaniel reported that the Final Order has been mailed to Mr. Cash and his license has been marked as revoked. He has 30 days to appeal the final order. No further action on the case.

Kimberly Moore Agreed Order # KBRC-21-1636

Ms. McDaniel reported that Ms. Moore responded to the offer of an Amended Agreed Order for Voluntary Surrender on December 10, 2021. Mr. Baxter made a motion to accept the signed Agreed Order. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Compliant # KBRC-2021-6901

Ms. McDaniel reported that a hearing officer has been assigned for the Administrative Hearing and we are waiting on a date to be set.
No further action at this time.

Marcus Allen Complaint #2021-8822 – Appeal of License Denial

Ms. McDaniel reported that an Administrative Hearing is set for April 21st. . No further action at this time.

Shelly Blair - Complaint # KBRC-21-5925

Ms. McDaniel reported that Ms. Blair has signed the Agreed Order. Mr. Baxter made a motion to accept the signed Agreed Order. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Complaint # KBRC-21-4740

Mr. Baxter made a motion to dismiss the complaint. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Complaint # KBRC-21-5674

Mr. Baxter made a motion to dismiss the complaint. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Complaint # KBRC-21-2906

Mr. Baxter made a motion to dismiss the complaint. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Complaint # KBRC-21-1846

Mr. Baxter made a motion to dismiss the complaint. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Complaint # KBRC-21-8166

Mr. Baxter made a motion to dismiss the complaint. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Brian Downey #5860

Ms. McDaniel reported that Mr. Downey's letter of suspension was sent and he has 30 days to appeal. No further action at this time.

S.P. – Limited Mandatory

Mr. Baxter made a motion to offer S.P. an Agreed Order for working with the following terms. \$50 per day for each day worked without being properly licensed, for a total of \$200. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Complaint # KBRC-21-8228

Mr. Baxter made a motion to present an offer of an Agreed Order with the following terms: monthly monitoring of practitioner's license for a period of 1 year, practitioner must notify the Board within 7 days of change of employment, practitioner must complete an ethics course chosen by the Executive Director and a \$500 fine. Mr. Pettinichi seconded the motion. Motion carried unanimously.

B.R. - KYPRN

No action

Phillip White #3513

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

Complaint #KBRC- 22- 5466

Mr. Baxter made a motion to offer an Agreed Order with the following terms: license suspended for one year probated for the final 6 months on the condition that he complete six months of documented sobriety through KYPRN before he can apply for reinstatement and KYPRN monitoring for 5 years. Mr. Pettinichi seconded the motion. Motion carried unanimously.

Applications

The Board approved the applications of J.B., A.S., J.M. and J.A. after review.

Closed Session

Mr. Baxter made a motion to come out of closed session; Dr. Compton seconded the motion. Motion carried unanimously.

New Business

1. 2022 Renewal Audit

Ms. McDaniel reported that like the 2021 renewal, any practitioner with ceu deficiencies for the 2022 renewal would receive a letter with the deficiency explained.

2. Scope of Practice Question

Ms. F. Knowels request that the Board review the Scope of Practice to decide if dry needling is within the RT scope of practice. Ms. McDaniel will contact Ms. Knowels to inform her that the Board stated "No, dry needling is not within the RT scope of practice".

3. Student Scholarships

Ms. McDaniel reported that a question was presented as to if the Board had the legal authority to issue scholarships to respiratory therapy students. At this time there are no statutes or regulations that allow board funds to be used for the issuance of scholarships.

4. Application Review

Ms. McDaniel reported that there were **130** Mandatory applications, of which **77** were Reciprocity applications, **18** Limited Mandatory (student) applications and **4** Temporary applications. Five application issues were found and reported in closed session.

Mr. Baxter made a motion to approve all new applications, except for the application of P.T., which will be reviewed at the next meeting. Dr. Compton seconded the motion. Motion carried unanimously.

The following **Limited Mandatory applications (18)** were approved: Billy Barnes, Jessaluz Braga, Alana Bray, Elemer Cotton, Monica Gissel, Kiley Hobbs, Alaisha Jenkins, Jerrie Lederman, Hannah Mayhorn, Misty Melton, Cassidy Nida, Nancy Parrish, Alex Philpot, Shelby Pruitt, Jaymee Salmons, Monica Stephens, Laikin Thompson, Victoria Toy.

The following **Temporary Mandatory applications (4)** were approved: Timeka Carson, Mary Hartley, Shelby Moran and Carlena Smith.

The following **Mandatory applications (130)** were approved: Nichole Alexander, Kalee Alvis, Heather Anderson, Deborah Azar, Hojeen Baban, Heather Bender, Jennifer Blenden, Lisa Bowman, Lisa Braden, Rodney Bray, Tonya Bredhold, James Britt, Dakota Burchett, Haley Buttrey, Ugennear Calloway, Jody Campos, Alisha Carnefix, Vonetta Cartwright, Alice Caudill, Crystal Coddington, Lisa Collins, Shayna Collins, Monica Colwell, Rachel Cook, Chad Cooper, Darlene Creavin, Heather Crouch, William Dallas, Twila Daniels, Elisia Davis, Crystal Davis, Vicki DeVary, Derek Dixon, Corey Draud, LeeAnn Enlow, Traci Farnsley, Melissa Feist-McCuiston, Trina Fermon, Roxanne Flores, Jack Franklin Jr., Jordan Frommeyer, Tyler Gayheart, Amanda Gibson, Jaeda Giovingo, Katelyn Goedeker, Kevin Green, Shannon Groves, Angela Haeberlin, Angela Hardy-Meade, Shelby Hardymon, Virginia Hayes, Janice Heinlin, Courtney Helsley, Carla Hensley, Shay Hensley, Brandon Hill, Jonathan Holbrook, Shango Hopkins Kimberly Hopkins, Sydney Horton, Victoria Houghtling, Sarah Hughes, Abigail Jones, Ashley Judd, Sydney Klemm, Amy Lawrence, Linda Lewis, Matthew London, Donya Lovett, Jamie Lucas, Sarah Lucas, Jessica Lumbar, Marissa Lusk, Gary Madden, Bethany Madden, Kelly Marsh, Michelle Martin, Leslie Mawa, Jay McCann, Brook Melton, Brian Michelin, Charlie Miller, Kimberly Mills, Victoria Monday, William Morgan, Christa Mount, Alisha Mullins, Carleen Nelson, Dixie Nichols, Lauren Norris, Amanda Osante, Abigail Pack, Kirsten Pasham, Tiffany Pierre, Dennis Pope, Madilyn Powell, Justin Prelewicz, Bethany Raby, Kevin Reese, Jennifer Rice, James Robertson, Jeff Robison, Allison Rowley, Jill Rudy, Marissa Rutherford, Courtney Sibert, Cynthia Simmons, Zachary Simpson, Tia Sizemore, Justin Slater, Brittany Slone, Thresa Smith, Patricia Sneed, Sara Solis, Alexandria Stansbury, Robyn Stewart, Madison Stewart, Danna Stockton, Eveleen Taylor, Judith Taylor, Robert Thoenen, Crystal Thomas, Chuda Timsina, Danielle Toadvine, Kristie Turbyfill, Christina Turner, Abner Wells, Matthew Willard and Brandi Wood, Veronica Wynn.

Announcements

1. The next meeting will be held Thursday, April 21, 2022 at 5:30 p.m., EST
2. Mr. Baxter 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. Mr. Pettinichi made a motion to adjourn the meeting. Dr. Compton seconded the motion. Motion carried unanimously. Meeting adjourned at 9:05 p.m.



Ken D. McKenney, Chair
KY Board of Respiratory Care