

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

August 11, 2016

A special meeting of the Kentucky Board of Respiratory Care was held on Thursday, August 11, 2016 at 5:30 p.m., 2365 Harrodsburg Road, Building B, 1st Floor, Room 150, Lexington, KY.

MEMBERS PRESENT

Jeff Smithern, RRT, Chair
Tamara McDaniel, RRT, Vice-Chair
Kathleen Kearney Schell
Pamela Boykin, RRT
Dr. Alexander Tzouanakis

KBRC STAFF

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

OTHER

John Marcus Jones, AAG, Legal Counsel

Mr. Smithern called the meeting to order at 5:30 p.m., at Southcreek Park, 2365 Harrodsburg Road, Building B, Room B150, Lexington, KY.

Minutes

Ms. McDaniel made a motion to approve the June 30, 2016 minutes; seconded by Dr. Tzouanakis. Motion carried unanimously.

Financial Statement

Ms. Moore presented the financial statements for June 2016 (FY 2016) and July 2016 (FY 2017). Ms. McDaniel made a motion to accept the financials; seconded by Ms. Schell. Motion carried unanimously.

Continuing Education

Annual Audit Percentage Approved for 2016-2017 Renewals

Ms. McDaniel made a motion to audit 20 percent of the practitioners' continuing education in the upcoming renewal cycle; seconded by Ms. Schell. Motion carried unanimously.

FYI. Bellarmine University, Louisville, KY

Ms. Moore updated as an FYI Dr. Christy Kane at Bellarmine University in Louisville, KY has advised CoARC has approved Bellarmine to begin their new entry-level MHS in the RT degree program effective immediately. They still have the traditional BHS program and now a MHS in with the RT program.

Staff Report

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

Old Business

Committee Update re: Proposed 2015 Law Changes Re: KRS Chapter 314A00

Ms. McDaniel updated she had requested to be on the agenda for the next KY Society of Respiratory Care meeting to be held telephonically on July 7, 2016 at 4:30 p.m., EST and asked Jerrell Cloud to participate. Ms. McDaniel wants to update the KSRC concerning how the Board came to the decision on increasing fees across the Board by 20 percent. She stated she had done a lot of research and analysis from national labor studies and other states. A former Board member warned of our decline in the Board's budget that is spiraling downward and we start a new year with a lean budget in FY 2018. This information was discussed in detail when Thomas Clark of GOPM made an appearance before the Board last October. The fee increase is necessary to continue providing services the profession enjoys with only two staffers turning around paperwork enabling therapists to obtain a licensure timely for work.

John Marcus Jones, AAG, Board Legal Counsel, Ms. McDaniel, Ms. Schell and Ms. Moore planned to attend the Legislature's Health and Welfare Committee meeting at 9:00 a.m., on Wednesday, August 17, 2016 at the Capitol Annex in Frankfort, KY in regard to Administrative Regulation KAR 29:015 Fees.

Complaints

Ms. McDaniel 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. The motion was seconded by Dr. Tzouanakis and carried unanimously. Ms. McDaniel moved to come out of closed session; seconded by Dr. Tzouanakis. Motion carried unanimously.

Agreed Orders – Compliant Cases

Samantha Adkins

Mr. Fingerson reported Samantha Adkins is compliant. No action on the case.

Aubrey Bryant

Mr. Fingerson reported Aubrey Bryant is compliant. No action on the case.

Joseph Cecil

Mr. Fingerson reported Joseph Cecil is compliant on his April report.

Terry Clark

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

April Dawn Hall

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

Aaron Peter

Mr. Fingerson reported Aaron Peter is compliant. No action on the case.

Sara Sparks

Mr. Fingerson reported Sara Sparks is compliant. No action on the case.

Jill Stacy

Mr. Fingerson reported Jill Stacy is compliant. No action on the case.

Paul Sublett

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

KYPRN Cases – Review or Actions Needed

Shannon Key

Mr. Fingerson continues to report that Ms. Key is \$90 late in her payments to KYPRN. Ms. McDaniel made a motion for legal counsel to notify Ms. Key to be complaint with KYPRN and her Agreed Order before the October 20, 2016 Board meeting, or legal counsel will proceed with revocation of her licensure; seconded by Ms. Schell. Motion carried unanimously

KYPRN Notes on Former or Perspective Clients

Ms. Moore presented notes as FYI from Mr. Fingerson on KYPRN activity from former or perspective clients.

FYI: Agreed Orders Signed – No Actions Needed

James K. Thompson, KY # 0183 confirmation of his meetings with Dr. Beckham for July pursuant to his Agreed Order. Tara Wenzel, KY # 6981 signed Amended Agreed Order; Letters to Tari Dickerson, James Elliott, Julie Williams, Nancy L. LaPointe, Paul Elliott and Aaron Pyke signed Agreed Orders.

Complaint Cases - Updates or Actions Needed

A. Patrick Spalding, KY # 2041

Ms. McDaniel made a motion to have legal counsel counter offer with Mr. Spalding and his Attorney Chad Elder to surrender his licensure certificate as revoked or pick up his two year probation outside his terms with the KY Board of Nursing. A final telephonic pre-hearing

conference is scheduled for September 2, 2016 at 10:30 p.m. EST with Mr. Spalding; seconded by Dr. Tzouanakis. Motion carried unanimously.

B. Jerry Griffin, KY # 7489

Ms. McDaniel made a motion to dismiss the complaint on Jerry Griffin with a warning to be more professional with the paperwork you file with your employers. The Board felt there was, not enough evidence for a licensure action since no clients were harmed and you continue to provide respiratory therapy without incidents, the Board will advise you to be more cautious in the future; seconded by Dr. Tzouanakis. Motion carried unanimously.

C. Miguel Kilver, KY # 7522

Ms. McDaniel made a motion after discussion of the investigator's report to dismiss without prejudice the complaint against Miguel Kilver, and have legal counsel pen an advisory letter that his conduct was unprofessional talking to a client about a tattoo on her abdominal area and asks that you respect the boundaries of clients and remain professional in your conversations; seconded by Dr. Tzouanakis. Motion carried unanimously.

D. Patrick McMackin, KY # 3410

Ms. McDaniel made a motion for legal counsel to pen a Formal Complaint and Notice of Hearing for Patrick McMackin. Mr. McMackin has not responded to the Agreed Order sent to him including a suspension starting immediately of his mandatory certificate for six (6) months ending December 31, 2016; enter into KYPRN monitoring for one (1) year ending July 30, 2017; up-to twelve (12) random drug tests per year; five (5) to (7) meetings per week with AA concluding on July 30, 2017; attend outpatient substance abuse counseling in a group of your choice; impose a \$500 fine to be paid by January 30, 2017; seconded by Dr. Tzouanakis. Motion carried unanimously.

Correspondence – FYI

Ms. Moore presented the following as FYI: Lisa Bayer, Anthony Miracle, Carol Courtney and Jim Maynard emails.

New Business

Personnel Actions: Employ Executive Director to Overlap Ms. Moore

Ms. Moore presented a letter at the June 30, 2016 meeting notifying the Board she planned to retire. A motion was made by Kathy Schell to hire Tamara G. McDaniel to replace Ms. Moore as Executive Director at a salary of \$52,500.00 with a 5% increase in six (6) months commencing September 1, 2016 with the state benefits package; seconded by Dr. Tzouanakis. Motion carried unanimously. The record shows Ms. McDaniel recused from the discussion of the Board on setting her salary and benefits. Ms. McDaniel will resign as a member and vice-chair with one year remaining on her term.

Ms. Moore Retiring after 16 Years with the Board on November 1, 2016

A motion was made by Kathy Schell to approve an overlap for Ms. Moore to work with Ms. McDaniel, Executive Director until November 1, 2016, seconded by Dr. Tzouanakis. Motion carried unanimously. Ms. Moore stated she was grateful to serve for 16 years and very proud of the contributions made together during her 16 years of working with the Board.

American Lung Association re: Medicaid

Ms. Moore provided an article from the American Lung Association re: Medicaid as an FYI.

Rick Rose Presentation of 10 Year Service Certificate

Mr. Smithern and Ms. Moore presented Rick Rose a state government 10 Year Service Award for his dedication and loyalty to the Commonwealth of KY and the Board. Mr. Rose started working part-time in 2002 and then to full-time in October 2006 as an Administrative Assistant. The Board appreciates Mr. Rose and his contributions.

Application Review

A motion was made by McDaniel to accept all **31** applications since the last meeting; seconded by Dr. Tzouanakis. Motion carried unanimously.

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

Alexander Brooke, Bailey Barton, Jordan Cooper, Paul Gerges, Tara Holland, Lauren Matney, Marcel Radzaj, Dallas Mills, Hannah Shoopman and Thomas Williams..

Temporary application (0) approved:

No Temporary applications were granted.

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

Tommie Adams, Joseph Agyeman, Amber Craig, Herbert Dunbar, Lynne Grant, Cassandra Haynes, Ryan Hoffman, Brittany Hopkins, Rebecca Justice, Candace Little, Paul Miller, Brittany Rice, Amanda Seiler, Rachel Payne, Lovel Phadael, Elizabeth Seacat, Faith Steele, Mikala Thompson and Corey Walton.

The following **Reciprocity applications (12)** were approved:

Linda Bolt-Griffith, Stephanie Burress, Paula Davis, Kurtis Goebel, Jessica Hand, Derrick Joseph, Lisa Kapraun, Charles Kelley, Jr., Gina Newport, Jason Thomas, Tyler Voorhees and Shauna Weaver.

Announcements

Mr. Smithern announced the next meeting is set for Thursday, October 20, 2016 at 5:30 p.m., EST at Southcreek Park, 2365 Harrodsburg Road, Building B, Room 150, Lexington, KY.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by, Ms. McDaniel and seconded by Pamela Boykin, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously. Ms. McDaniel made a motion to adjourn the meeting at 7:20 p.m.; seconded by Pamela Boykin. Motion carried unanimously.

Jeff Smithern, RRT, Chair
KY Board of Respiratory Care