

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

June 30, 2016

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

MEMBERS PRESENT

Tamara McDaniel, RRT, Vice-Chair
Kathleen Kearney Schell
Jerrell Cloud, RRT
Dr. James McCormick
Dr. Alexander Tzouanakis

KBRC STAFF

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

OTHER

John Marcus Jones, AAG, Legal Counsel

Ms. McDaniel called the meeting to order at 6:05 p.m., at Southcreek Park, 2365 Harrodsburg Road, Building A, Lexington, KY.

Minutes

Dr. McCormick made a motion to approve the April 21, 2016 minutes; seconded by Dr. Tzouanakis. Motion carried unanimously.

Financial Statement

Ms. Moore presented the financial statements for April and May 2016 (FY 2016). Ms. Moore provided confirmation transferring fees to KY State Treasury via ACH in amount of \$32,584.83 from the Board's non-profit account at PNC Bank. Ms. Schell made a motion to accept the financials; seconded by Dr. McCormick. Motion carried unanimously.

Ms. Moore provided copies of FY 2017 Personnel Cap from GOPM listing 2 full-time and 1 part-time positions for the Board; Memo to Ed Ross No Federal SEFA funding; FY 2017 Personnel Payroll deferral and Fair Labor Standards Act on Overtime Regulations. Ms. Moore also stated Brad Holajter, Division Director of Law Operations with Department of Public Advocacy will purchase our conference room table we left at 163 W. Short Street, Lexington, KY when the FY 2017 funds rollover for \$1,000.00.

Continuing Education

Deborah Cox, KY 3896 Re: 2016 Ceu Penalties

Ms. McDaniel noted as an FYI the note Ms. Cox submitted due to her difficulties in obtaining her Ceu's for the 2016 renewal cycle.

James Elliott, KY # 5740 Re: 2016 Ceu Penalties

Ms. Moore updated James Elliott finally contacted us and stated he was on disability. Mr. Elliott stated he could do the Ceu's but he did not have the means to pay a fine re the Agreed Order and \$250 fine imposed due to 2016 Ceu Audit. Ms. McDaniel made a motion to grant an extension of time for Mr. Elliott to pay the \$250 fine by December 1, 2016 and or request to go inactive. However, if and when he applies for reactivation he would have to satisfy the Agreed Order before his licensure is considered for reactivation and he must let us know his intentions; seconded by Jerrell Cloud. Motion carried unanimously.

Julie Williams, KY # 5666 Re: 2016 Ceu Penalties

The Board reviewed Julie Williams supplemental documentation regarding her Ceu's wherein she completed 24.5 Ceu courses in 2015 and within the continuing education period. Ms. Schell made a motion to rescind the Agreed Order for Ms. Williams; seconded by Jerrell Cloud. Motion carried unanimously.

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.

Ms. McDaniel updated she attended the Public Hearing wherein Lisa Houle, MS, RRT, President Elect of the KY Society of Respiratory Care appeared at the Public Hearing held by John Marcus Jones, AAG, Board Legal Counsel, on Administrative Regulation KAR 29:015 Fees. Mr. Jones filed the Statement of Consideration and Amendments with LRC. The KSRC is suggesting an increase in renewal fees of 15 percent rather than the 20 percent increase. Mr. Jones stated he would like the Chair or Vice Chair to attend the Legislature's Administrative Regulation Review Subcommittee on July 14, 2016 before ARRC.

Complaints

Kathy Schell 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. McCormick and carried unanimously. Kathy

Schell moved to come out of closed session; seconded by Jerrell Cloud. 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

KYPRN Description Provided on Reports

Mr. Fingerson provided as an FYI a descriptive report for the Board to better understand the KYPRN reporting submitted on each client participating with KYPRN.

Shannon Key

Mr. Fingerson reports that Ms. Key is eight (8) months late in her payments to KYPRN. Ms. Schell made a motion for legal counsel to pen a stiff warning letter to Ms. Key to stay compliant with KYPRN and her Agreed Order; seconded by Dr. McCormick. Motion carried unanimously

Tara Wenzel

Mr. Fingerson reports Tara Wenzel failed on a recent First Lab report. Ms. Schell made a motion to suspend Ms. Wenzel's licensure for six (6) months through December 31, 2016, request she attend two weekly AA meetings; extend her probation and monitoring with KYPRN through February 20, 2018; she must submit an application for reinstatement with documented sobriety with KYPRN compliance on or after December 31, 2016; seconded by Jerrell Cloud. Motion carried unanimously.

FYI: Agreed Orders Signed – No Actions Needed

James K. Thompson, KY # 0183 confirmation of his meetings with Dr. Beckham for May and June 2016 pursuant to his Agreed Order. Review of 2016 Ceu Audits: Jordan Meece, Aaron Saunders, Brittany Mason, Ryan Thompson, Amit Bhatt & Clayton Hazelwood correspondence.

Complaint Cases - Updates or Actions Needed

A. Mary Marcia Fuller, KY 1295

FYI. Mary Marcia Fuller signed the certified certificate of mail wherein she received the Final Order of the Board. The 30 day appeal process has expired.

B. Nancy LaPointe, KY # 0571

Kathy Schell made a motion to accept the agreement signed by all parties wherein Ms. LaPointe will receive a 6 months suspension; seconded by Dr. Tzouanakis. Motion carried unanimously.

C. Patrick Spalding, KY # 2041

Ms. Schell made a motion to continue Mr. Spalding's complaint asking legal counsel to contact Chad Elder, attorney for Mr. Spalding, since the Board is requesting a new settlement agreement to include three (3) years probation, enroll with the KYPRN program; seconded by Dr. Tzouanakis. Motion carried unanimously.

D. Paul Elliott, KY # 5647

Ms. Schell made a motion for legal counsel to notify Mr. Elliott when he applies for Reinstatement the Board would review recommendations from KYPRN or another treatment program pursuant to monitoring with weekly meetings, probation period would be determined when applying for reinstatement of his licensure in the future; seconded by Dr. Tzouanakis. Motion carried unanimously.

E. Aaron Pyke, KY # 5945

Ms. Schell made a motion for legal counsel to pen an Agreed Order calling for participation with KYPRN for one (1) year; attend AA meetings twice a week for six months; probated licensure for one (1) year; pay \$400 fine to be paid within six (6) months; and to remember to report his convictions on his renewal forms, applications; seconded by Dr. Tzouanakis. Motion carried unanimously.

F. Jerry Griffin, KY # 7489

Ms. Schell made a motion on Jerry Griffin giving him twenty (20) days to respond and continues the complaint until the August meeting; seconded by Dr. Tzouanakis. Motion carried unanimously.

G. Tari Dickerson, KY # 5124

Ms. Schell made a motion to dismiss the complaint on Tari Dickerson; seconded by Dr. Tzouanakis. Motion carried unanimously.

H. Miguel Kilver, KY # 7522

Ms. Schell made a motion to assign the Miguel Kilver complaint to Jim Bronson, investigator, and have legal counsel pen subpoenas for Mr. Bronson to investigate and report his findings at the August meeting; seconded by Dr. Tzouanakis. Motion carried unanimously.

I. Patrick McMackin, KY # 3410

Ms. Schell made a motion for pursuant to the complaint on Patrick McMackin for 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.

J. Denver Miller, KY # 4952

Ms. Schell made a motion to flag Denver Miller's certificate number with KY.Gov in the event he tries to renew his licensure which is currently terminated status since 1/30/2015; seconded by Dr. Tzouanakis. Motion carried unanimously.

Correspondence – FYI

Ms. Moore presented the following as FYI: State mileage reimbursement rate for July 1-September 30, 2016 is 41 cents; Jim Maynard, Mike Bradley, Courtney Bailey, Shelly Saffran, Lisa Bayer emails.

New Business

FYI. Court of Appeals Opinion KY Board of Embalmers & Funeral Directors

Ms. Schell, updated the Board, on the KY Board of Embalmers & Funeral Directors Board wherein she is legal counsel, giving a brief update on this case before the Court of Appeals.

FYI. Gov. Charlie Baker, Massachusetts Re: Professional Boards

Ms. Moore presented as an FYI an article from Governor Baker from Massachusetts re Professional Boards.

Personnel Update

Ms. Moore presented a letter notifying the Board she planned to retire from state government on October 1, 2016. She stated she appreciates working with wonderful people who serve the Board and our staff the past 16 years. Ms. Moore will work with the Personnel Cabinet and the Governor's office to post the non-merit position for the Board to hire her replacement. An overlap with Ms. Moore with the new Executive Director would be advantageous to learn the licensure and other processes with approval from the Personnel Cabinet of an overlap up-to 90 days.

Announcements

Ms. McDaniel announced the next meeting is set for Thursday, August 18, 2016 at 5:30 p.m., EST at Southcreek Park, 2365 Harrodsburg Road, Building B, Room 150, Lexington, KY.

Application Review

A motion was made by McDaniel to accept all **113** applications since the last meeting; seconded by Dr. Tzouanakis. Motion carried unanimously.

The following **Student applications (27)** were approved:

Savanna Armstrong, Ashley Ater, Hannah Bays, Savanna Berry, Karen Bower, Delicia Brown, Megan Bunch, Katie Cope, Katelyn Crenshaw, Travis Flaim, Kayla Goodwin, Derek Hardin, Hailey Helm, Joye Hoskins, Maria Howarah, Hillary Hulse, Timmy Jolley, Katie Leese, Anne Mattingly, Shannon McDonald, John McDowell, Kayla Rauch, Brian Rose, Tyler Ross, Kristina Scott, Catherine Smith and Andrea Wall.

Temporary application (1) approved:

Lynne Grant

The following **NBRC applications (68)** were approved:

Vary Assume, Brandy Baker, Jessica Bard, Kendra Bevins, Abby Bates, Ashley Branson, Tiffany Brock, Amanda Brooks, Lisa Brooks, Stephanie Burkett, Nathan Byers, Justin Carman, Lacey Castor, Heather Cecil, Lauren Cassel, Joseph Clan, Jennifer Cornett, Amanda Crisp, Classier Cooley, Amber Dean, Brendon Denkhoff, Tyler Duvall, Sabrina Edlin, Allison

Farnsley, Sarah Glazebrook, Amber Grubb, Joseph Hall, Jenna Harlow, Roger Henry, Tyler Henry, Feleshia Hinkle, Ryan Hoffman, Cassandra Huckleberry, Rebecca Justice, Kaitlyn Kinnaird, Kendall Ladrillono, Whitley Larkins, Arlicia Lewis, Robert Lyons, Laura Lewis, Emily McKnight, Brittney Maines, Holly Mayes, Amber Merida, Erica Milam, Joseph Minix, Ashley Mullins, Shanetta Murray, Ronnie Owens, Stacy Pedley, Margaret Prater, Tracy Rains, Lanesha Rankin, Coriena Rapelye-Thompson, Christopher Severns, Katina Shelton, Robert Shepherd, Amy Shockley, Eryn Stout, Sara Stucker, Joshua Sumner, Darren Sutton, Jessica Thomerson, Corey Walton, Dana Wilbert, Emily Wells, Tayler Whitfill and Monica Wilson.

The following **Reciprocity applications (17)** were approved:

Alex Applebee, Tracy Asher, Paul Bean, Karlyn Biggs, Amanda Garren, Derrick Joseph, Lisa Kapraun, Krissa Kirkpatrick, Whitney McCain, Karen Ohe, Melissa Poland, Rachel Sampson, Karen Swanson, Jessica White, Patsy Wunningham, Barbara Wyant and Andrew Zamenski.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by, Ms. McDaniel and seconded by Dr. Tzouanakis, 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 9:00 p.m.; seconded by Kathy Schell. Motion carried unanimously.

Tamara G. McDaniel, RRT,
Vice-Chair
KY Board of Respiratory Care