

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

April 21, 2016

A meeting of the Kentucky Board of Respiratory Care was held on Thursday, April 21, 2016 at 5:30 p.m., 2365 Harrodsburg Road, 2nd Floor, Room A-240, Lexington, KY.

MEMBERS PRESENT

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

KBRC STAFF

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

OTHER

John Marcus Jones, AAG, Legal Counsel
Greg Ladd, Attorney, Governor's Office

Mr. Smithern called the meeting to order at 5:40 p.m., at Southcreek Park, 2365 Harrodsburg Road, A-240, Lexington, KY and welcomed Mr. Ladd from Governor Bevin's office.

Minutes

Dr. McCormick made a motion to approve the February 18, 2016 minutes; seconded by Dr. Tzouanakis. Motion carried unanimously.

Continuing Education

2016 Ceu Penalties reviewed Pursuant to 314A.225

Ms. McDaniel discussed updates on the following therapists renewing in 2016 receiving a continuing education audit:

Jamia Campbell, KY # 3569

The Board reviewed Jamia Campbell's request for leniency to pay her \$500 fine pursuant to her 2016 CEU audit. Ms. Campbell's workplace did not seek approval for Health Stream CEU's with the Board nor did she have any certificates. However, Ms. Campbell has submitted CEU's to meet her deficiency. Ms. McDaniel made a motion to give Jamia Campbell 12 months to pay her \$500 fine; seconded by Dr. Tzouanakis. Motion carried unanimously.

Clayton Hazelwood, KY # 4701

The Board reviewed Clayton Hazelwood's explanation as it appeared his CEU certificates were not approved by either AARC or KBRC he simply listed the course numbers incorrectly on his audit form. Ms. McDaniel made a motion to rescind the Agreed Order for Mr. Hazelwood; seconded by Jerrell Cloud. Motion carried unanimously.

Brittany Mason, KY # 6177

The Board reviewed Brittany Mason's supplemental documentation regarding her CEU's wherein she completed the required number of CEU courses in 2015 and within the continuing education period. Ms. McDaniel made a motion to rescind the Agreed Order for Ms. Mason; seconded by Jerrell Cloud. Motion carried unanimously.

Jordan Meece, KY # 7216

The Board reviewed Jordan Meece's supplemental documentation regarding CEU's obtained in 2015 and meeting requirements. Ms. McDaniel made a motion to grant an extension of time for Mr. Meece to pay the \$500 fine by December 1, 2016; seconded by Jerrell Cloud. Motion carried unanimously.

Kimberly Thacker, KY # 5691

The Board reviewed Kimberly Thacker CEU's wherein she accidentally submitted the wrong CEU certificates. Ms. Thacker submitted the correct CEU's meeting requirements. Ms. McDaniel made a motion to approve rescinding the Agreed Order and fine penned to Ms. Thacker; seconded by Jerrell Cloud. Motion carried unanimously.

Aaron Saunders, KY # 7076

The Board reviewed Aaron Saunders 2016 CEU audit. Ms. McDaniel updated the dialogue with Mr. Saunders regarding his CEU audit and deficiency of two CEU units. Ms. McDaniel made a motion to grant Mr. Saunders until October 1, 2016 to pay his \$500 fine and submit proof of 4 acceptable CEU's to complete requirements; seconded by Jerrell Cloud. Motion carried unanimously.

Ryan Thompson, KY # 5673

The Board reviewed Ryan Thompson's 2016 CEU audit. Ms. McDaniel states we received supplemental documentation from Mr. Thompson wherein one of the CE Program providers made a mistake in not getting their program certified and Mr. Thompson should not be penalized for their error. Ms. McDaniel made a motion to rescind Mr. Thompson deficiency; seconded by Jerrell Cloud. Motion carried unanimously.

Amit Bhatt, KY # 5758

The Board reviewed Mr. Bhatt's request for an extension of time to pay his \$500 fine, this was his first audit and Mr. Bhatt is the only provider in his family. Ms. McDaniel made a motion to give Mr. Bhatt 12 months to pay his fine re his 2016 CEU audit; seconded by Jerrell Cloud. Motion carried unanimously.

Ms. McDaniel made a motion for John Marcus Jones, AAG, legal counsel, to pen all the suggested changes on the 2016 CEU audit Agreed Order cases; seconded by Jerrell Cloud. Motion carried unanimously.

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. McCormick and carried unanimously. Dr. Tzouanakis moved to come out of closed session; seconded by Pamela Boykin. 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 late on her KYPRN reports. Ms. McDaniel made a motion for legal counsel to pen a warning letter to Ms. Bryant that this is her last warning and any non compliance is not acceptable; seconded by Jerrell Cloud. Motion carried unanimously.

Joseph Cecil

Mr. Fingerson reported Joseph Cecil is compliant on his April report. However, the February report stated he had missed calls to First Lab. Ms. McDaniel made a motion to send the draft warning letter to Mr. Cecil that any non compliance is not acceptable; seconded by Jerrell Cloud. Motion carried unanimously.

April Dawn Hall

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

Shannon Keys

Mr. Fingerson reported Shannon Keys is compliant. No action on the case.

Aaron Peter

Mr. Fingerson reported Aaron Peter is compliant on his April report. However, the February report stated he had missed calls to First Lab. Ms. McDaniel made a motion to mail the draft warning letter to Aaron Peter that any non compliance is not acceptable; seconded by Jerrell Cloud. Motion carried unanimously.

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.

Tara Wenzel

Mr. Fingerson reported Tara Wenzel is compliant. No action on the case.

KYPRN Cases – Review or Actions Needed

Terry Clark

Ms. McDaniel made a motion for legal counsel to pen a warning letter to Terry Clark to stay compliant with his KYPRN and Agreed Order; seconded by Jerrell Cloud. Motion carried unanimously.

Complaint Cases - Updates or Actions Needed

A. Mary Marcia Fuller, KY 1295

Ms. Boykin made a motion to approve the Default Judgment on Mary Marcia Fuller's license with 30 days to appeal; seconded by Jerrell Cloud. Motion carried unanimously. Ms. McDaniel recused from the discussion and vote on Ms. Fuller.

B. Nancy LaPointe, KY # 0571

Ms. McDaniel made a motion to have legal counsel confer with the investigator in the case to interview witnesses. The Board will move forward with a hearing and continue the complaint on Nancy LaPointe until the next meeting; seconded by Dr. McCormick. Motion carried unanimously.

C. Patrick Spalding, KY # 2041

Ms. McDaniel made a motion to continue Mr. Spalding's complaint upon request of his legal counsel. A telephonic hearing will be conducted in May by the Attorney General Hearing Officer, Mr. Jones, legal counsel, for the Board, and Mr. Spalding and/or his legal counsel; an update due at the next meeting; seconded by Dr. McCormick. Motion carried unanimously.

D. Paul Elliott, KY # 5647

Ms. McDaniel made a motion for legal counsel to process legal actions to revoke Paul Elliott's licensure due to Mr. Elliott not responding to the complaint filed against him; seconded by Dr. McCormick. Motion carried unanimously.

E. Aaron Pyke, KY # 5945

Ms. McDaniel made a motion to take formal action under KRS 314A.225 Section 1(b) to revoke Mr. Pyke's license and found he renewed his license under false pretenses; seconded by Dr. McCormick. Motion carried unanimously.

F. Jerry Griffin, KY # 7489

Ms. McDaniel made a motion to continue the Jerry Griffin case to get more information on the complaint; seconded by Dr. McCormick. Motion carried unanimously.

Announcements

Mr. Smithern announced several had conflicts for the June 16, 2016 meeting. Ms. McDaniel made a motion to reschedule the meeting which will be a special meeting for Thursday, June 30, 2016 at 5:30 p.m., EST at Southcreek Park, 2365 Harrodsburg Road, Lexington, KY; seconded by Dr. Tzouanakis. Motion carried unanimously.

Application Review

A motion was made by McDaniel to accept all 48 applications since the last meeting; seconded by Dr. Tzouanakis. Motion carried unanimously.

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

Amanda Brooks, McKenzie Gage, Arlicia Lewis, Kimberly Mitchell, Jesseka Nicholson, Jamie Pryor, Katina Shelton, Steven Survant, Emily Wells and Sharde Willis.

No **Temporary applications were** issued.

The following **NBRC applications (16)** were approved:

Taylor Allen, Georgi Barton, Michael Caron, Samantha Carpenter, Valerie Cheek, Alexandra Daniels, Yakeisha Douglas, Aza Feliciano, Kathryn Garner, Vanessa Goodlett, Heather Hacker, Melissa Meade, Martina Salewske, Elijah Sexton, Brent Thompson and Mark Wilson.

The following **Reciprocity applications (22)** were approved:

Jill Anderson, Benny Boggs, Lisa Bowman, Rachel Cook, Lauren Evelyn, Britnie Harper, Joshua Hodges, April Huffines, Sheila Hutchins-Swann, Mary Ife, Anna Korshenyuk, Robin Love, Ashley McClain, Michael Milliron, Elizabeth Nicolaus, Eyunethia Owens, Shane Porter, Nicole rushing, Chasity Schuler, Kristin Shaw, Sara Simon and Portia Tharpe.

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 9:05 p.m.; seconded by Kathy Schell.
Motion carried unanimously.

Jeff Smithern, RRT, Chair
KY Board of Respiratory Care