

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

February 18, 2016

A meeting of the Kentucky Board of Respiratory Care was held on Thursday, February 18, 2016 at the KBRC Conference Room, 163 W. Short Street, Lexington, KY.

MEMBERS PRESENT

Tamara G. McDaniel, RRT, Vice- Chair
Dr. James R. McCormick
Pamela Boykin, RRT
Kathleen Kearney Schell
Dr. Alexander Tzouanakis

KBRC STAFF

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

OTHER

John Marcus Jones, AAG, Legal Counsel
LaTasha Buckner, AAG, Executive Director
Civil & Environmental Law Division

Ms. McDaniel called the meeting to order at 5:50 p.m., at the Board's Lexington, KY conference room and welcomed new member Dr. Alexander Tzouanakis to the Board serving until October 31, 2018. Dr. Alexander Tzouanakis was administered the Oath of Office prior to the meeting.

Minutes

Pamela Boykin made a motion to approve the December 10, 2015 minutes with an amendment; seconded by Kathy Schell. Motion carried unanimously.

Continuing Education

Carla Jo Hale CEU Request

Ms. Boykin discussed the ceu request from Carla Jo Hale. Ms. Boykin approved the ceu request for health science (college course 400 level courses).

2016 Renewal Applicants Non-Audit & Audited Therapists Facing Penalties

Kathy Schell made a motion to continue the Continuing Education penalties by accessing fines of \$250 for non-audit and \$500 for audited therapists and double the deficiency for the lack of continuing education units as the Board has done in the past; seconded by Pamela Boykin and carried unanimously. Ms. McDaniel stated the staff should have the ability to extend payment plans on anyone requesting a hard-ship. Kathy Schell made a motion to approve Debbie Cox a payment plan giving her 5 months to pay her \$500 fine by Agreed Order and double the deficiency on her ceu's; seconded by Pamela Boykin and carried unanimously. Legal counsel will pen a letter giving Ms. Cox a payment plan and advise her to get her ceu's timely.

2016 Terminated Therapists Due to Non Renewal of Licensure Certificate

Ms. Moore updated staff prepared 162 letters along with Reinstatement forms to therapists that did not renew in 2016.

Chastity Daukas, BS, RRT, RPFT - Inquiry for VA Hospital

Pamela Boykin stated Ms. Daukas inquiry is an FYI. Ms. Boykin stated the Veterans Administration Hospital in Lexington, KY is a provider of continuing education. Ms. Daukas inquired as to how to share ceu's with their respiratory therapists; she was informed to simply have them apply for approval with the Board.

Complaints

Pamela Boykin 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

Aubrey Bryant

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

Joseph Cecil

Mr. Fingerson reported Joseph Cecil is compliant. No action on the case.

Terry Clark

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

Amy Golden

Mr. Fingerson reported Amy Golden is compliant. Ms. Golden's probation ended January 30, 2016.

April Dawn Hall

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

Holly Hall

Mr. Fingerson reported Holly Hall is compliant. Ms. Hall's probation ended January 27, 2016.

Shannon Keys

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

Aaron Peter

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

Laura Thomas

Mr. Fingerson reported Laura Thomas is compliant. No action on the case.

KYPRN Cases – Review or Actions Needed

Licensee on Opioid Replacement Therapy

Ms. McDaniel discussed the information provided by Brian Fingerson, RPh, KY Professionals Recovery Network, regarding a licensee on Opioid Replacement Therapy, Driving, Liability issues. No actions taken by the Board.

Tara Wenzel, KY # 6981

Ms. Wenzel completed her Agreed Order and her suspension concludes on February 19, 2016. Mr. Jones penned a Final Order including one year probation with KYPRN monitoring. Pamela Boykin made a motion to approve the Final Order for Tara Wenzel; seconded by Dr. McCormick. Motion carried unanimously.

Ms. Boykin made a motion to send letters of non-compliance with the KYPRN program to Joseph Cecil and Aaron Peter; seconded by Dr. McCormick. Motion carried unanimously.

FYI: Agreed Orders Signed – No Actions Needed

James K. Thompson completed his CEU's pursuant to anger management classes per his Agreed Order. Jill Stacy, KY # 2333, Sara Sparks, KY # 6139 and Paul D. Sublett, KY # 5430 sent letters to stay compliant with her KYPRN and their Agreed Order. Ann Ritucci, KY # 6969 paid \$750 fine and reinstated. Brenda Hayes, KY # 0542 did not appeal Final Order.

Complaint Cases - Updates or Actions Needed

A. Mary Marcia Fuller, KY 1295

Pamela Boykin made a motion the Board approved Mary Marcia Fuller's license to go inactive immediately and will not accept an application to reactivate her license in January 2018; seconded by Ms. Boykin. Motion carried unanimously. Ms. McDaniel recused from the discussion and vote on Ms. Fuller.

B. Nancy LaPointe, KY # 0571

Ms. Boykin made a motion to continue the complaint on Nancy LaPointe until the next meeting; seconded by Dr. McCormick. Motion carried unanimously.

C. Patrick Spalding, KY # 2041

Ms. Boykin made a motion to accept the formal complaint as penned by Mr. Jones, legal counsel, for the Board; update at the next meeting; seconded by Dr. McCormick. Motion carried unanimously.

D. Paul Elliott, KY # 5647

Ms. Boykin made a motion to continue the Paul Elliott complaint until the next meeting pending response to the complaint; seconded by Dr. McCormick. Motion carried unanimously.

E. Stephen Conn, former licensee

Ms. Boykin made a motion to dismiss the complaint on Stephen Conn without prejudice; seconded by Dr. McCormick. Motion carried unanimously.

F. Roger Frederick, KY # 1293

Ms. Boykin made a motion to dismiss the complaint against Roger Frederick with prejudice; seconded by Dr. McCormick. Motion carried unanimously.

G. Kathy Mullins, KY # 5640

Ms. Boykin made a motion to dismiss the complaint against Kathy Mullins; seconded by Dr. McCormick. Motion carried unanimously.

H. Samantha Adkins, KY # 4773

Ms. Boykin made a motion for an Agreed Order to include three (3) years probation for Samantha Adkins, enroll with KYPRN, and if Mr. Fingerson suggests we can add AA meetings; seconded by Dr. McCormick. Motion carried unanimously.

I. Alexis Leland, KY # 7554

Ms. Boykin made a motion to approve the Mandatory certification for Alexis Leland, CRT; seconded by Ms. Boykin. Motion carried unanimously.

Bills filed with the 2016 KY General Assembly

John Marcus Jones, Jr., AAG, presented Senate Bill 77 re KRS 335B which involves a person being hired for state employment with a criminal conviction that also applies for a licensee with a criminal conviction. The Boards are allowed to interview them about their criminal conviction and in some cases licensures are denied depending on review. This bill has some pretty important changes to change the statute and expanding the definition of a criminal crime. Currently some things are accepted like Class B misdemeanors, traffic offenses and civil violations that a person does not have to let the Board know about these offenses. Also, this would limit the Board's ability to deny a person a license based on a conviction. They assume

you have a two-part process wherein a person goes before an application committee, then a recommendation; then the full Board makes a decision for licensure approval.

Mr. Jones stated if this bill passes and becomes law you will have to start this process. Under the law they would like the Committee to give the person a written decision about why their conviction is being used to deny a license and give an explanation of why their conviction relates directly to the profession, then a letter comes from the Committee and then the person has a right to appear before the full Board. The Board will write a letter explaining why the person has been denied and how their conviction relates to the profession. This bill would make it a two-part process in law. The big change which is significant is they are proposing an appeal process so that the person who appeals to Franklin Circuit Court and then the burden of proof would be on the Board to prove the conviction is relevant to the Board. Another bill to be aware of is HB 243 during the 2016 Legislation Session.

Anonymous Complaints Re: 201 KAR 29:030. Complaint Processing Procedures

Ms. McDaniel, Ms. Schell discussed 201 KAR 29:030 Section 2 Reception of Complaints: with the members whether we should accept and process anonymous complaints. The Board would review an anonymous complaint and then see if it warrants the Board to act and open an investigation.

Announcements

Ms. McDaniel, announced the next meeting of the Board would be held on Thursday, April 21, 2016 at 5:30 p.m., EST at the Board's new offices, Southcreek Park, 2365 Harrodsburg Road, B350, Lexington, KY.

Application Review

A motion was made by Dr. Tzouanakis to accept all 69 applications since the last meeting; seconded by Pamela McDaniel. Motion carried unanimously.

The following **Student applications (4)** were approved:

Emmi Doniak, Kristina Hardesty, Maris Libera and Lanesha Rankin.

The following **Temporary applications (5)** were approved:

Heather Cecil, Classie Cooley, Vanessa Goodlett, Amanda Seiler and Joseph Minix.

The following **NBRC applications (44)** were approved:

Kelsey Alcorn, Ranielle Blohm, Kelsey Brown, Hillary Caudill, Tina Charles, Aimee Clark, Kyle Daniels, Rachel Donaldson, Joy Durham, Melody Duvall, Jessie Fair, David Fenwick, Meredith Frazier, Brandi Graf, Kristin Helmer, Eden Hottell, Laura House, Stephen Jackson, Jacinta Kessinger, Alexis Leland, James Logsdon, Crystal Moon, Paris Morgan, Jillian Morrison, Sarah Mundell, Nathan Noomen, Courtney Nowland, Lauren Patterson, Bridget Purcell, Natasha Pickerrell, Karen Reynolds, Brittany Robertson, Richard Robinson, Heather Seals, Barbara

Shepherd, Megan Sizemore, Brandon Smallwood, Amy Sparks, Destiny Stinson, Kimberlie Thompson, Samantha Veach, Lindsey Wade and Robert Wyan, Jr .

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

Shonda Angell, Allyson Appling, Charles Bonfour, Robert Cline, Shane Hall, James Hayward, Christa Hecht, Donna Johns, Kimberly Marlow, Miguel Kilver, Christina Leifried, Tanya Milliron, Johnny Murrell, Gail Price, Clitha Tucker, Jennifer Wilber.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by, Dr. McCormick and seconded by Tami McDaniel, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Dr. Tzouanakis made a motion to adjourn the meeting at 9:05 p.m.; seconded by Pamela Boykin. Motion carried unanimously.

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