

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

June 18, 2015

A meeting of the Kentucky Board of Respiratory Care was held on Thursday, June 18, 2015 at the KBRC offices, 163 W. Short Street, Lexington, KY.

MEMBERS PRESENT

Jeff Smithern, RRT, Chair
Dr. Robert W. Powell, Vice-Chair
Tamara G. McDaniel, RRT
Dr. James McCormick
Kathleen Kearney Schell

KBRC STAFF

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

OTHER

Cheryl Lalonde, AAG

Mr. Smithern called the meeting to order at 5:50 p.m., at 163 W. Short Street, Lexington, KY.

Minutes

Tami McDaniel made a motion to approve the April 16, 2015 minutes; seconded by Dr. Jim McCormick. Motion carried unanimously.

Financial Statement

Ms. Moore presented the financial statements for April and May 2015. Tami McDaniel made a motion to accept the financials (FY 2015); seconded by Dr. Powell. Motion carried unanimously.

Ms. Moore advised she submitted the budget allotment to GOPM for the FY 2016 budget of \$210,000 into the following quarters and monies will roll forward if not expended:

1st Quarter: \$66,000
2nd Quarter: \$50,000
3rd Quarter: \$47,000
4th Quarter: \$47,000

Ms. Moore presented a preliminary floor plan from Brien Hoover of Real Properties on potential office space for the Board and the KY Landscape Architects Board. The layout was 1,428 sq. ft. at 1055 Wellington Drive, Lexington, KY behind the Palomar Center off of Harrodsburg Road which is too much space for us to occupy. Ms. Moore will notify Mr. Hoover to see if he could negotiate 1,200 sq. ft. at \$18 sq. ft. at Wellington Drive and update the Board. The Board would not be interested in office space at 155 E. Main Street due to insufficient space and parking.

Ms. Moore advised that HB 235 provides for state employees to receive an annual increment on their anniversary date from 3 to 1%. Also, beginning July 1, 2015 a 1% increase will be provided on the annual base salary of each state employee on their anniversary date for FY 2016.

Tami McDaniel made a motion to approve the budget reports; seconded by Dr. Powell. Motion carried unanimously

Continuing Education

Premier Home Care, Inc.

Dr. Powell presented a copy of the letter he sent to the KY Medical Licensure Board about Trilogy ventilators.

Agreed Orders 2015 CEU Audits: Carolyn Walker; Kie Shelley; John Bloomer; Jessica Adkins; Kathie Lynn Devore & Kendall Jenkins

Ms. McDaniel made a motion for legal counsel to pen another Agreed Order with a payment plan for Carolyn Walker to pay one-half of the \$500 CEU penalties with full payment due by August 20, 2015; seconded by Dr. McCormick. Motion carried unanimously.

Ms. McDaniel made a motion to keep the Agreed Orders in effect with fines due to failure to comply by March 1, 2015 on the CEU audit for Kie Shelley; John Bloomer; Jessica Adkins; Kathie Lynn Devore and Kendall Jenkins; seconded by Dr. McCormick. Motion carried unanimously.

Ms. McDaniel made a motion to send an approval letter to Yuridia Leyva at Medical Education Systems, Inc., on their 2015 continuing education submissions reviewed by Jerrell Cloud; seconded by Kathy Schell. Motion carried unanimously. Ms. McDaniel also wanted to point out 201 KAR 29:050 Continuing education requirements Section 4, Procedure for Preapproval of Sponsors shall pay a nonrefundable one-time fee of ten (10) dollars. However, a post approval of an individual holding a mandatory certificate desiring post approval of a continuing education offering is not charged a fee of \$10.00 and has up-to 90 days to submit the post approval.

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 discussed the need to increase fees by \$25 or by 20% except for students and temporary status. Mr. Smithern stated 20% across the board for all the other licensure credentials issued by the Board. Ms. Moore suggested combining the application and certification fees into one fee to decrease confusion.

Dr. Powell asked how much it costs in a two-year cycle to operate the Board? Our budget allotment for 2014 and 2015 is \$402,800.00 but our revenue generates only \$365,107.82. Soon we won't have enough revenue to cover our bills.

Ms. McDaniel will continue to confer with Tina Siddon, Government Liaison with the KY Society Respiratory Care on the Board's intention to raise fees and retain support from the professional organization.

Update on Inquiries by Ms. Donahoe, RT & Ms. McComis, RT @ Kings Daughters Hospital, Ashland, KY

This matter was resolved when Kings Daughters halted their plan to have respiratory therapists start IV's in non-cardio procedures and transfuse blood.

FYI. Article by FTC Commissioner re: Supreme Court Ruling on NC Dental Board

Ms. Moore presented an article by a FTC Commissioner on the recent Supreme Court Ruling on the North Carolina Dental Board.

Complaints

Dr. Powell 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 Tami McDaniel and carried unanimously. Dr. Powell moved to come out of closed session; seconded by Kathy Schell. 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. No action on the case.

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. 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. 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 Derrick Sublett

Mr. Fingerson reported Paul Sublett 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

Rodney Reynolds

Dr. Powell made a motion to table Mr. Reynolds case since a prehearing conference is scheduled on June 19, 2015; seconded by Kathy Schell. Motion carried unanimously.

Mary Marcia Fuller

Dr. Powell made a motion for legal counsel to draft a letter giving an option of retesting at her expense or an Agreed Order for one (1) year of documented sobriety through KYPRN before consideration of reinstatement with terms; seconded by Kathy Schell. Motion carried unanimously. Ms. McDaniel recused from the discussion and vote on Ms. Fuller.

FYI: Agreed Orders Signed – No Actions Needed

Agreed Orders signed with violations on 2015 CEU audits: Shawn Lutz Browning; Carla Ruble; Melinda Cooler; Robin Grubbs; Steven Gruber; Darla Hamm; Virginia Hudson; Natalie Kays;

Glenda Keeton; Tymori Murphy; Michelle Willoughby; Michael McClary; Tara Jones, Cynthia Razavi and Joyce Tinsley.

Complaint Cases - Updates or Actions Needed

A. Jerome Scott

Dr. Powell made a motion for Jerome Scott to receive an Agreed Order to include three (3) years probation from January 2014; provide a copy of his Agreed Order to all employers; report if charged with any crimes; no drugs or alcohol while working or on call; and a \$250 fine; seconded by Kathy Shell. Motion carried unanimously.

B. Brenda Hayes

Ms. McDaniel and Mr. Smithern recused. The case is tabled until the next meeting because there is not a quorum.

C. Nancy LaPointe

Dr. Powell made a motion to continue until the next meeting to assign to new investigator Janet Vogt to investigate the complaint; seconded by Kathy Schell. Motion carried unanimously.

D. Lincare

Dr. Powell made a motion to dismiss the complaint against Lincare without prejudice because additional information was not provided by the complainant; seconded by Kathy Schell. Motion carried unanimously.

E. James K. Thompson

Dr. Powell made a motion for an Agreed Order that includes a 9 month suspension from the date he last worked, completion of an anger management program acceptable to the Board, a \$500 fine, and 4 hours of AARC or KBRC approved CEU's on managing difficult patients; after paying the fine, completing anger management and completion of CEU's the suspension of two (2) years probation commences with his reinstatement; seconded by Kathy Schell. Motion carried unanimously.

F. Tara Wenzel

Dr. Powell made a motion to send an Agreed Order that includes a \$500 fine, and a minimum six month suspension as long as a KY licensed professional (psychologist, social worker, or psychiatrist) recommends it's safe for Ms. Wenzel to return to work; seconded by Kathy Schell. Motion carried unanimously.

G. David Scharold

Dr. Powell made a motion to dismiss the complaint copied to the Board by the New Hampshire Board of Respiratory Care; seconded by Kathy Schell. Motion carried unanimously.

Correspondence – FYI

Ms. Moore presented the following as FYI: Dr. Christy Kane, Jaime Martinez, Katie Ladich, Mary Linn, Charlene Barnes and Maggie Lester emails.

New Business

FYI. KY One Healthcare Position Posting

KY One Healthcare removed a respiratory posting from its website due to poor wording of the job description.

FYI. University of San Diego School of Law Re: NC/US Supreme Court Ruling

Ms. Lalonde provided an update on the open records request to the AG from the University of San Diego School of Law.

FYI. KY Society of Respiratory Care Fall Conference October 7-9, 2015

The KY Society of Respiratory Care is holding its Fall Conference in Lexington, KY on October 7-9, 2015 at the Ramada Conference Center.

Announcements

The next meeting is set for Thursday, August 20, 2015 at 5:45 p.m., EST, at the KBRC offices, 163 W. Short Street, Lexington, KY.

Application Review

A motion was made by Tami McDaniel to accept all 88 applications since the last meeting; seconded by Kathy Schell. Motion carried unanimously.

The following **Student applications (14)** were approved:

Jessica Bard, Abby Bates, Hillary Caudill, Heather Cecil, Alma Clark, Classie Cooley, Jenna Harlow, Kendall Ladrillono, Alexis Leland, Joseph Minix, Stacy Pedley, Eryn Stout, Lindsey Wade and Robert Wyan.

The following **Temporary applications (2)** were approved:

Cheryl Brown and Michelle Keltner.

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

Stephen Ashley, Jessica Axmaker, Natosha Baker, Hannah Bailey, Tammy Bailey, Carrie Britton, Whitney Bolen, Jennifer Cameron, Audra Decatur, Courtney Donelson, Cierra Campbell, Amber Elledge, Anne Fitzpatrick, Sabrina Fuller, Mikka Gamble, Erika Gibson,

Kayla Grim, Jessica Hayward, Makayla Helm, Amanda Hicks, Hannah Holmes, Cortney Holt, Amanda Honaker, Lori Hohmann, Dr. Henry Hood, Crystal Hornback, Angela Johnson, Chelsea Johnson, Curtis Johnson, Sasha Jones, Korey Kelley, Sarah Ledford, Ashley Maddox, Sara Maley, Jonathan Marcum, Ashley Masters, Breanna Merriweather, John Miles, Kristi Miles, Lindsay Morgan, Sasha Osborne, Doaa Parrigin, Jessica Partin, Jamie Paulley, Heaven Powell, Dayan Railey, Jonathan Roscoe, Laura Satterley, Sarah Scarth, Amanda Shackleford, Kayla Slone, Ashley Smith, David Smith, Stephen Sosby, Clarissa Sowers, Danielle Tackett, Julie Terrell, Shadanna Thacker, Michael Thomason, Kelly Thomas-Smith, Michael Tracey, Lauren Trenkamp, Daniel Vandervort, Rebecca Waddell, Larry White and Tammy Zenobi.

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

Erica Hilt, Kathleen Mastandrea, John Pfeffer and Heather Reese and Melissa Salyer.

Approval of Per-diem, Compensation, Travel and Honoraria

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

Tami McDaniel made a motion to adjourn the meeting at 9:30 p.m.; seconded by Kathy Schell. Motion carried unanimously.

Jeff Smithern, RRT, Chair
KY Board of Respiratory Care