

Board of Respiratory Care



Newsletter

Fall 2010

A Regulatory Agency of the State of Tennessee

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The mission of the Department of Health is to promote, protect, and improve the health of persons living in, working in, or visiting the state of Tennessee.

227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243 • (615) 253-5087 or 1-800-778-4123 <http://tn.gov/health>
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Endorsement of Respiratory Therapists to Provide Polysomnographic Services

Rule 1330-01-.24 – states the following:

(1) In order for a licensee of this Board to practice polysomnography without obtaining licensure from the Polysomnographic Professional Standards Committee, the licensee must obtain an endorsement from this board. In order to obtain an endorsement, a licensee shall provide this board with the following:

- (a) A completed and signed polysomnographic services endorsement form, as approved by this Board; and
- (b) Proof of possessing a valid, active, and unrestricted license as a Registered Respiratory Therapist or Certified Respiratory Therapist, issued by this board; and
- (c) One of the following:
 1. Certification by the National Board of Registered Polysomnographic Technologists as a registered polysomnographic technologist; or

2. Certification by the National Board of Respiratory Care as a sleep disorder specialist; or
3. Proof of completion of the Sleep Center or Sleep Lab Competency Checklist, as approved by this board, signed by both the director of the sleep lab and medical director from a current employing facility, verifying a minimum of one hundred (100) hours in a sleep lab or sleep center, and outlining competency relative to the following topics, which include, but are not limited to:
 - (i) Patient safety, rapport, preparation, education and confidentiality;
 - (ii) Setup, function, calibration, operation and maintenance of all relative equipment;
 - (iii) Monitoring, recording, and analysis of physiologic data as defined under T.C.A. § 63-31-101(9)(a)(i);
 - (iv) Appropriate corrective and emergency procedures as appropriate, according to lab/center policies; and
 - (v) Implementation of the applicable treatment procedures according to lab/center policy and procedure.

Pending Rule Amendment for Respiratory Therapists to Provide Polysomnographic Services

Rule 1330-01-.24 Endorsement of Respiratory Therapists to Provide Polysomnographic services is amended by deleting part (1) (c) but not its subparts, and substituting instead the following language, so as amended, the new part (1) (c) 3, shall read:

3. Proof of completion of the Sleep Center or Sleep Lab Competency Checklist, as approved by this Board, signed by both the director of the sleep lab and the medical director from a current employing facility, verifying that an individual certified as a respiratory therapist has obtained a minimum of five hundred and four (504) hours in a sleep center or sleep lab or that an individual registered as a respiratory therapist has obtained a minimum of two hundred and fifty two (252) hours in a sleep lab or sleep center, and outlining competency relative to the following topics, which include, but are not limited to:

Authority: T.C.A. §§ 63-31-107 and 63-27-104

Tennessee Board of Respiratory Care Policy Statement on Continuing Education Deficiencies

The Board of Respiratory Care adopted the following policy on October 26, 2004, and revised it on November 13, 2008:

A respiratory care practitioner licensed in Tennessee is required to complete ten (10) contact hours of continuing education every calendar year. (See Tenn. Comp. R. & Regs. 1330-1-.12 regarding continuing education requirements.)

Should the respiratory care practitioner fail to obtain the continuing education ("CE") hours for a calendar year, the following shall occur:

1. The respiratory care practitioner must pay a civil penalty in the amount of three hundred dollars (\$300.00). Payment must be rendered within ninety (90) days of notification from the Board that the respiratory care practitioner has

been found to have failed to obtain the required continuing education hours. Discipline for CE violations will be assessed by the Department via Agreed Citation, which will detail the licensee's rights and obligations under the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, et seq. The discipline assessed in accordance with this Continuing Education Policy constitutes formal discipline against a practitioner's license, and as such, it is reportable on the Department's Disciplinary Action Report ("DAR") and will be noted on the practitioner's licensure profile.

1. The respiratory care practitioner must make up the amount of continuing education hours that he/she is lacking, in addition to completing the continuing education hours requirement for the current calendar year. The deficient hours must be made up within ninety (90) days of receipt of this policy. Documented proof of the deficient hours obtained must be submitted to the board upon completion.
2. The respiratory care practitioner must complete an additional five (5) continuing education hours. This requirement is in addition to the requirement that the respiratory care practitioner make up the continuing education hours that he/she is lacking, and in addition to the continuing education hours requirement for the current calendar year. The five (5) hours must be made up within ninety (90) days of receipt of this policy. Documented proof of completion of the deficient hours must be submitted to the board upon completion.

If such licensee fails to demonstrate that he or she has cured the continuing education deficiency in the manner prescribed by this policy, the department will file a licensure complaint and the licensee will be prosecuted in accordance with the Uniform Administrative Procedures Act, T.C.A., §§ 4-5-301, et seq

Tennessee Board of Respiratory Care Policy Statement on Lapsed Licenses

The Board of Respiratory Care recognizes that an individual may inadvertently allow his/her license to expire. However, statute prohibits an individual from working as a respiratory therapist unless he/she has an active and unrestricted license. While the Board does not condone an individual working on an expired license, recognition is given to the fact that the problem does exist. As such, the board has adopted the following procedures for reinstatement of an expired or administratively revoked license:

- Immediately upon recognition that his/her license has expired, the individual must stop practicing and contact the board's administrative office to request a reinstatement application.
- Upon receipt of the reinstatement application, the licensee is to complete the application in its entirety, providing a detailed work history subsequent to the license expiration date. The application is to be signed, notarized, and returned to the board's administrative office along with any additional information and all fees specified in the instructions.
- If the reinstatement application reflects in the work history that the individual has worked on a lapsed license for less than three months, then upon receipt of a completed reinstatement application and supporting documentation, including continuing education and fees, the board administrator may immediately reinstate that person's license, with no disciplinary action.
- If the reinstatement application reflects in the work history that the individual has worked for more than three months but less than six months on an expired license, then the department will assess a one hundred dollar (\$100.00) civil penalty against the licensee for every month worked in excess of three months from the expiration date, up to a maximum of \$300.00. Such civil penalty will be assessed via Agreed Citation, which will detail the licensee's rights and obligations under the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, *et seq.* The discipline assessed in accordance with

this Lapsed License Policy constitutes formal discipline against a practitioner's license, and as such it is reportable on the Department's Disciplinary Action Report ("DAR") and will be noted on the practitioner's licensure profile.

- If the reinstatement application reflects in the work history that the individual has worked for more than six months on an expired license, then this Lapsed License Policy does not apply, and the matter will be referred as a formal complaint to be prosecuted in accordance with the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, *et seq.*

Adopted by the Board of Respiratory Care on the 13th day November, 2002, and revised the 13th day of November, 2008.

For further information, please use the contact information provided below:

Board of Respiratory Care
Local (Nashville Calling Area) 615-532-3202
Nationwide (toll free) 800-778-4123

When to File a Complaint/What to Expect

The state of Tennessee is graced with some of the finest health care professionals, educational institutions, postgraduate programs and treatment facilities in the United States. The majority of health practitioners in Tennessee are competent and caring individuals and most persons are satisfied with the level of care they receive.

However, when a problem is experienced with a practitioner, you have the right to report him/her. If you believe that a practitioner's performance or behavior is not acceptable, you may file a complaint through Health Related Boards, Office of Investigations.

While the Department of Health hopes that you will never have to file a complaint against a health care practitioner, doing so is a simple matter. You may contact the Office of Investigations of the Department of Health at 1-800-852-2187 to request a complaint form.

The form must be completed in its entirety. All materials received in connection with the complaint will become property of the Department of Health

and cannot be returned. Please return the complaint to:

**Office of Investigations
227 French Landing, Suite 201
Heritage Place Metro Center
Nashville, TN 37243**

2011 BOARD MEETING SCHEDULE

**May 9th
August 11th
November 10th**

Renew Your Professional License Online

The due date for license renewal is the last day of the month in which a birth date falls pursuant to the division's biennial birth date renewal system. The due date is contained on the renewal document designated as the expiration date.

Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:
www.tennesseeanytime.org

Change of Name

Rule 1330-01-.17 (1) Change of Name. An individual registered with the board shall notify the board in writing within thirty (30) days of a name change. The notice shall provide both the old and new name, a notarized photocopy of the official document involved, and must reference the individual's profession and license number.

Change of Address

Rule 1330-01-.17 (2) States you shall file in writing with the board current address, giving both old and new addresses. Such requests shall be received in the board's administrative office no later than thirty (30) days after such change. It can be reported in writing or by e-mail. Please include the following:

- Your name and license number;
- Your profession;
- Your old address and phone number;
- Your new address and phone number, e-mail address, and/or your fax number;
- Your SIGNATURE!

Keeping the board's administrative staff up to date on your location facilitates the timely notification to you of important information such as your application for licensure renewal and important statutory and rule changes. You may fax your change to the board's administrative office at (615) 741-1093.

Background Checks Required for Those Providing Patient Care

Before any person who will be providing direct patient care is hired, health care facilities and individual health professionals are required by law to conduct background checks using the state sex offenders registry, the state abuse registry and the abuse registries for states in which the prospective employee has lived in the previous 7 years, according to Public Chapter 1084, or Tenn. Code Ann. sec. 63-1-149.

Links to the following can be found on the Department of Health website at:
www.tn.gov/health

Tennessee Sex Offender Registry at:

www.tbi.state.tn.us/sex_ofender_reg/sex_ofender_reg.shtml

National Sex Offender Registry at:

www.fbi.gov/scams-safety/registry

Tennessee Abuse Registry at:

www.tn.gov/health/abuseregistry

Continuing Education Audit Results from January through October 2010

Certified Respiratory Care Assistant

Licenses Audited: 4
3 Licenses Compliant
1 Licensee Non Compliant

Certified Respiratory Therapist

Licenses Audited: 26
16 Licenses Compliant
10 Licenses Non Compliant

Registered Respiratory Therapist

Licenses Audited: 30
23 Licenses Compliant
07 Licenses Non Compliant

Upgrade Certified Respiratory License to Registered Respiratory Therapist

A certified respiratory therapist may upgrade to registered respiratory therapist by doing the following:

(a) Complete and submit a notarized application, attach a "passport" style photograph taken within the preceding twelve (12) months, and pay the upgrade and State regulatory fees as provided in rule 1330-01-.06.

(b) Submit proof of completion of academic and clinical preparation in a respiratory care program approved by C.A.A.H.E.P. in collaboration with Co.A.R.C. or their successor organizations. The applicant shall have the school send directly to the Board office either a certificate of completion, diploma, or final official transcript. If arterial blood gas endorsement is desired, the applicant must have their school send directly to the Board office a final transcript which shows the applicant's training in blood gas analysis; and

(c) Have the NBRC submit to the board office proof of successful completion of the advanced

level practitioner examination provided by the NBRC.

(d) Once you have completed the upgrade process and you have been issued a license number, you must retire the certified respiratory license. This can be accomplished by completing an affidavit of retirement form.

Disciplinary Actions

Licensee: Zina T. Hendrix, L.R.R.T.
Violation: Making false statements or committing fraud in procuring a license
Action: License reprimanded

Licensee: Cynthia D. Cook, L.R.R.T.
Violation: Guilty of a crime
Action: License placed on probation for five years; must meet certain terms and conditions; assessed \$2,000 civil penalty, plus costs.

Licensee: Bob. G. Neely, R.R.T.
Violation: Violation of board order
Action: License suspended; must meet certain terms and conditions; assessed costs.

Licensee: Vincent G. Lemay, R.C.T.
Violation: Guilty of a crime; positive drug screen for alcohol; failed to notify the board of criminal convictions
Action: License placed on probation for five years; must meet certain terms and conditions; assessed costs

Licensee: Kylie Dozier, C.R.T.
Violation: Failed to comply with board requirements
Action: License placed on probation for 3 years; assessed \$1,000.00 civil penalty, plus costs

Licensee: Shannon S. Ferrell, L.C.R.T.
Violation: Working while impaired
Action: License suspended; must meet certain terms and conditions

Licensee: Christina Beth Griffin, C.R.T.
Violation: Failed to satisfy student loan
Action: License suspended

Licensee: Melissa C. Jones, C. R. T.
Violation: Failed to satisfy student loan
Action: License suspended

Licensee: Marcus E. Lambert, C.R.T.
Violation: Failed to satisfy student loan
Action: License suspended

REMINDER ABOUT PRACTITIONER PROFILES

The Health Care Consumer Right-to-Know Act of 1998, T.C.A. § 63-51-101 et seq., requires designated licensed health professionals to furnish certain information to the Tennessee Department of Health. The information for public dissemination includes: (1) A description of any criminal convictions for felonies within the most recent ten (10) years. (2) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (3) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (4) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that has been taken by the hospital's governing body or any other official action of the hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent ten (10) years shall be disclosed by the department to the public. (5) All medical malpractice court judgments, all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party beginning

with reports for 1998 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten-year period, but shall include the most recent ten-year period for which reports have been filed. From the information submitted, the department will compile a practitioner profile which is required to be made available to the public via the World Wide Web and toll-free telephone line after May 1, 1999. Each practitioner who has submitted information must update that information in writing by notifying the Department of Health, Healthcare Provider Information Unit, within 30 days after the occurrence of an event or an attainment of a status that is required to be reported by the law. A copy of your initial or updated profile will be furnished to you for your review prior to publication. That opportunity will allow you to make corrections, additions and helpful explanatory comments. Failure to comply with the requirement to submit and update profiling information constitutes a ground for disciplinary action against your license.

A blank copy of the profile may be obtained at:

<http://health.state.tn.us/Downloads/g6019027.pdf>

2010 Legislation

SB2453* [Sunset Laws](#) - As introduced, extends board of respiratory care, **June 30, 2013.**

Board of Respiratory Care
 227 French Landing, Suite 300
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 Nashville, TN 37243



Tennessee Board of Respiratory Care Board Members

Candace Partee Lebanon, TN Board Chair Registered Respiratory Therapist	Roger M. Major Hendersonville, TN Board Secretary Registered Respiratory Therapist	Colleen Schabacker Cookeville, TN Registered Respiratory Therapist
Teresa Dudley Hatcher Lebanon, TN Consumer Member	Gene Gantt Livingston, TN Registered Respiratory Therapist	Jeffrey Paul McCartney, MD Humboldt, TN Board Member
Delmar Mack, Ed.D Johnson City, TN Registered Respiratory Therapist		Brian T. Cook Chattanooga, TN Hospital Administrator

Board Staff

Marva Swann Administrative Director	Mary V. Webb Board Administrator	Patricia Monyei Licensing Technician
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