

## **Board of Respiratory Care Minutes**

- Date:** May 28, 2015
- Time:** 9:00 a.m. C.S.T.
- Location:** Iris Conference Room  
Ground Floor  
665 Mainstream Drive  
Nashville, TN 37243
- Members Present:** Anna Ambrose, RRT, Chair  
Delmar Mack, RRT, Ed. D, Secretary  
Jeffrey P. McCartney, MD  
Troy Hamm, RRT  
Lisa Caldwell, RRT  
Winston A. Granville, RRT
- Members Absent:** John Schario, Hospital Administrator
- Staff Present:** Michael Sobowale, Board Unit Director  
Lakita Taylor, Board Manager  
Mary Webb, Board Administrator  
Mary Katherine Bratton, Assistant General Counsel  
Vanessa Crutcher, Fiscal Officer  
Nichelle Dorroh, Disciplinary Coordinator of Office of Investigations
- Guests Present:** Mike Harkreader, Director, Tennessee Professional Assistance Program  
John Williams, Attorney, Tennessee Society for Respiratory Care  
Candace Partee, Board Consultant  
Colleen Schabacker

A quorum being present, Madam Chair, Anna Ambrose, called the meeting to order at 9:10 a.m.

### **Rulemaking Hearing**

Mary Katherine Bratton, Assistant General Counsel, conducted the rulemaking hearing regarding a fee reduction for renewals and the initial application. A roll call was given prior to the start of the rulemaking hearing, with the following Board Members in attendance: Dr. Delmar Mack, Lisa Caldwell, Troy Hamm, Winston Granville, Anna Ambrose, and Dr. McCartney; absent John Schario.

Mrs. Bratton, presented the proposed rules, regarding Chapter Number 1330-01- Chapter Title - General Rules and Regulations Governing Respiratory Care Practitioners and Rule Number 1330-01-

.06 and Rule Title – Fees. The proposed rule would reduce the total initial application fee from \$200 to \$150, and the renewal application fee from \$120 to \$100.

Mrs. Bratton, presented the Board with the Statement of Economic Impact to Small Business, and with no comments or questions, a roll call vote was taken with the following Board Members in attendance: Dr. Delmar Mack, Lisa Caldwell, Troy Hamm, Winston Granville, Anna Ambrose, and Dr. McCartney. Mr. John Schario was absent.

Thereafter, Mrs. Bratton, presented the Board with the Regulatory Flexibility Analysis, and with no comments or questions, a roll vote was taken with the following Board Members in attendance: Dr. Delmar Mack, Lisa Caldwell, Troy Hamm, Winston Granville, Anna Ambrose, and Dr. McCartney. Mr. John Schario was absent.

After discussion, a request was made for the Board to approve the proposals in the rulemaking as presented: the initial application will be reduced to \$150 and the renewal fee will be reduced to \$100. A motion was made by Dr. Mack and seconded by Mr. Granville to accept the proposed fee reductions. The motion carried. A roll call vote was conducted with the following members in attendance: Dr. Delmar Mack, Lisa Caldwell, Troy Hamm, Winston Granville, Anna Ambrose, and Dr. McCartney. Mr. John Schario was absent.

The rulemaking hearing concluded at 9:42 a.m.

### **Financial Report from Fiscal Office**

Vanessa Crutcher, representative from the fiscal office presented to the Board the projections for fiscal year ending June 30, 2015. Ms. Crutcher reported that the Board's total direct expenditures is \$157,497.08; the total allocated expenditures is \$97,658.23 bringing the total expenditures to \$255,155.31. Ms. Crutcher reported to the board that the board fee revenue is \$331,850.04 with a projected current year net of \$76,694.73 bringing the projected cumulative carryover to \$893,040.24. Ms. Crutcher told the Board that she felt that the fee reductions for the renewal and the initial application will help to decrease the Board's revenue in the future.

### **Office of General Counsel**

Mary Katherine Bratton, Assistant General Counsel, presented the office of General Counsel report to the Board.

### **Conflict of Interest**

Mrs. Bratton discussed the conflict of interest policy with the Board. She reminded the Board of the conflict of interest policy and requested that board members sign the conflict of interest policy form.

### **Rules**

Mrs. Bratton reminded the Board that the Board held its rulemaking hearing on the continuing education rule changes and voted to adopt the rule changes, in August 2014. The rules are still being reviewed by the Attorney General's office, and after approval they should be brought before the Joint

Government Operations Committee. The effective date will be communicated to Board members once it is known.

The proposed rule change on fee reduction has been approved to go forward and has been posted on the Secretary of State's website for a rulemaking hearing today.

### Litigation

Ms. Bratton reported that OGC has one open case pertaining to the Respiratory Care Board. There are no Consent Orders or trials scheduled to be presented.

### Appeals

Ms. Bratton reported that the Board has one open case up on appeal to Chancery, which is the licensure denial appeal of Mr. Robert Neely. The matter is still on appeal and has been set for oral argument on June 26, 2015.

### Order of Compliance

Mrs. Bratton presented the Order of Compliance on Matilda Barnes, LCRT. Ms. Barnes was not present. Mrs. Bratton stated that Ms. Barnes has demonstrated to the Board that she has satisfactorily complied and satisfied all requirements set forth in a November 19, 2009 Board order. Ms. Barnes has maintained 100% compliance advocacy of the Tennessee Professional Assistance Program (TnPAP) for a period of not less than five (5) years. Based on the petition, and the affidavit of the Board's Disciplinary Coordinator, and a letter from TnPAP, the Board should find that Ms. Barnes has satisfactorily complied with the requirements of the previous order and that such order should be lifted and her license returned to an unencumbered status. A motion was made by Mr. Hamm, and seconded by Mr. Granville, to approve the Order of Compliance as presented. The motion carried.

### Approval of Minutes

A motion was made by Troy Hamm and seconded by Dr. McCartney to accept the February 12, 2015 minutes as amended. The motion carried.

A motion was made by Mr. Granville and seconded by Dr. McCartney to accept the February 12, 2015 task force minutes as amended. The motion carried.

### Administrator's Report

Mary V. Webb, Board Administrator, presented the administrator's report with the following statistical information as of January 31, 2015:

#### Active Respiratory Therapists

- RRT—3303
- CRT—1521
- RCA—11

Board licensure activity totals from February 11, 2015 through May 22, 2015:

RRT	CRT
New applications received – 129	New applications received – 30
New licenses issued – 64	New licenses issued – 28
Number of renewals-paper – 79	Number of renewals-paper – 61
Number of renewals online – 288	Number of renewals online – 94
Reinstatements – 6	Reinstatements – 7
Number of licensees who retired – 3	Number of licensees who retired – 3
Expired – 34	Expired – 49
Closed Files – 2	Closed Files – 1

Anna Ambrose, Board Chair would like for the Board to track the number of registered respiratory therapists and certified respiratory therapists growth over the last three (3) years in an excel chart.

### **Conferences**

Ms. Webb reported that conferences that will be held in 2015 for Respiratory Care professionals are as follows:

1. AARC Congress – November 7-10, 2015, Tampa, FL
2. FARB Regulatory Law Forum – October 1-4, 2015, Denver, CO
3. 2015 CLEAR Conference – September 17-19, 2015, Boston, MA
4. AARC Summer Forum, July 13-15, 2015, Phoenix, AZ

Ms. Webb reported that Dr. Mack and Winston Granville were approved at the February board meeting to attend the 2015 AARC Summer Forum. Dr. Mack requested approval from the Board for Michael Sobowale, Board Director, to attend this conference.

Mary Katherine Bratton and Dr. Mack requested to attend the 2015 CLEAR Conference; Mary Katherine Bratton and Michael Sobowale requested to attend the FARB Regulatory Law Forum, and Lisa Caldwell and Troy Hamm requested to attend the AARC Congress conference.

A motion was made by Mr. Granville, and seconded by Dr. Mack, to approve all members and board staff to attend the conferences. The motion carried.

Mary Katherine Bratton and Winston Granville staffed a booth at the TSRC meeting on April 9-10, 2015, which was held in Memphis, TN, to represent the Board of Respiratory Care. Ms. Bratton reported that she and Mr. Granville answered many questions that attendees had regarding licensure, and legal issues. Ms. Bratton and Mr. Granville stated that the TSRC state meeting was very beneficial and helpful to the attendees.

Ms. Webb reported the following TSAC Orders to the Board:

Name	Profession	Current License Status	Date of Default	Date Notice of Suspension Mailed	Date Suspension Lifted
Stacie Miller	CRT	Licensed	10/01/14	10/24/14	03/20/15
Lennie Robertson Smith	CRT	Licensed	12/04/14	12/04/14	01/30/15
Patricia Bafford	CRT	Suspended	01/15/15	01/22/15	
Jocelyn Morgan	RRT	Licensed	02/26/15	02/26/15	03/06/15
Rebecca Bradley	CRT	Licensed	01/22/15	01/26/15	02/13/15
Jenee Lister	RRT	Suspended	12/04/14	12/04/14	
Carrie Hill	CRT	Suspended	03/12/15	03/12/15	
Joy Massingill	RRT	Suspended	03/12/15	03/12/15	
Clistha Tucker	CRT	Suspended	05/08/15	05/08/15	
Teresa Hart	CRT	Suspended	05/21/15	05/26/15	
Rachel Berry	CRT	Suspended	05/21/15	05/26/15	

Ms. Webb, reported the following Child Support Order to the Board:

Name	Profession	Current License Status	Date of Default	Date Notice of Suspension Mailed	Date Suspension Lifted
Mardragus Morton	CRT	Suspended	11/21/14	11/21/14	01/29/15

Ms. Webb reported that there were sixty-six (66) registered respiratory therapists who were audited and sixty-one or 92% were compliant; five (5) or 8% were non-compliant.

There were thirty-six (36) certified therapists who were audited; thirty-one (31) or 86% were compliant and five (5) or 14% were non-compliant.

There were four (4) certified respiratory assistants who were audited and one hundred (100%) percent were compliant.

### **Investigative/Disciplinary Report**

Nichelle Dorroh, Disciplinary Coordinator, in the Office of Investigations, presented the Investigative and Disciplinary reports as follows: There are six (6) active complaints for registered respiratory therapists in the Office of Investigations. Ms. Dorroh reported that the Office of Investigations audited the monitoring report and it is currently up to date.

### **Board Order on Tracy A. Nichols**

Nichelle Dorroh, Disciplinary Coordinator in the Office of Investigations, presented an Order to the Board on Tracy A. Nichols. Ms. Nichols failed to pay the sum of \$1,000.00 in civil penalties for not maintaining her continuing education hours in 2004. The matter first came before the Board on

August 24, 2004. Since that time, Ms. Nichols has maintained that she was not aware that she had to pay the fine since she no longer has a valid respiratory therapist's license in Tennessee. Ms. Nichols offered a settlement of \$300.00. After Board discussion, a motion was made by Troy Hamm and seconded by Mr. Granville, to accept this settlement offer with Dr. Mack and Dr. McCartney opposing. The motion carried.

**Tennessee Professional Assistance Program Report (TnPAP)**

Mike Harkreader, TnPAP Coordinator, gave the following report:

Statistics from July 1, 2014 through March 31, 2015

Monitoring	5
Referral Source – TDOH	1
Monitoring Type – TDOH	1
Non-voluntary	4
File Closure – monitoring completed	2
File Closure – noncompliance; TDOH notified	2

**Applicant Interview/File Review**

1. Daniel Shores – Mr. Shores was present. Mr. Shore's application file was presented to the Board due to a misdemeanor conviction in 2006 for alcohol consumption as a minor. Mr. Shores stated that he marked "No" to the question for a misdemeanor conviction on his application in error. After review and discussion with Mr. Shores, a motion was made by Troy Hamm, and seconded by Winston Granville, to grant Mr. Shores a license with no restrictions. The motion carried.
2. Axel Velazquez – Mr. Velazquez was present. Mr. Velazquez's application file was presented to the Board due to a felony conviction for unlawful use of a weapon in 2001. Mr. Velazquez stated that the incident involved his 13 year old son and five other individuals who attacked his son. Mr. Velazquez stated that he threatened to use the gun in self-defense. Mr. Velazquez stated that he marked "No" on his application to the question of a felony or misdemeanor conviction because the incident happened over ten (10) years ago and the charges were eventually dropped from his record. After review and discussion, a motion was made by Dr. McCartney, and seconded by Mr. Granville, to approve Mr. Velazquez for a license with no restrictions. The motion carried.
3. Mercedes Rhoten – Ms. Rhoden was present. Ms. Rhoden's application file was presented to the Board due to a DUI arrest in 2012. Ms. Rhoten stated that she was pulled over by a police officer because she was in traffic after having a few drinks with friends. Ms. Rhoten stated that she has not had any other incidents and that she has completed the entire application process and passed her national examination. After review and discussion, a motion was made by Mr. Granville, and seconded by Ms. Caldwell, to approve Ms. Rhoten for a license with no restrictions. The motion carried.

4. Angela Cates - Ms. Cates was present. Mr. Granville recused himself from the discussion. Ms. Cates' application file was presented to the Board due to a DUI arrest on 5/10/2010. Ms. Cates explained that she had been drinking with friends and decided to drive while it was raining and turned onto a road that was under water. Ms. Cates stated that she missed her court date by one day because of a date mix up. Ms. Cates stated that she has not had any other incidents since that time and she has completed all of the requirements and the examination for licensure. After review and discussion, a motion was made by Dr. McCartney, and seconded by Dr. Mack, to approve Ms. Cates for an unrestricted license. The motion carried.
5. Melissa Tripp – Ms. Tripp was present. Ms. Tripp's application file was presented to the Board due to a DWI offense on 12/11/2010. Ms. Tripp pled guilty and was placed on a Supervised Imposed Sentence for two (2) years on 8/15/11. Ms. Tripp successfully completed her probation on 8/15/2013. After review and discussion, a motion was made by Ms. Caldwell, and seconded by Mr. Hamm, to grant Ms. Tripp a license with no restrictions. The motion carried.
6. Julie Davy – Ms. Davy was not present- Ms. Davy's application file was presented to the Board due to a misdemeanor reckless driving conviction on 8/18/2005. Ms. Davy stated that her attorney advised her to not self-report this incident on her application because she is from Georgia. Ms. Davy stated that in Georgia this incident is considered a traffic violation. Ms. Davy stated that she was convicted of reckless driving and improper lane change and that she completed 40 hours of community service and she also had to complete a few hours in jail and the incident went on her record and she was put on probation. Ms. Davy stated that she had a license in GA in 2003 before the incident happened and that she went to court for the incident in 2006. After review and discussion, a motion was made by Mr. Granville, and seconded by Mr. Hamm, to approve Ms. Davy for a license with no restrictions. The motion carried.

### **Legislative Updates**

Ben Simpson from the Office of Legislature Affairs was present to give the following legislative updates to the Board:

#### House Bill 309

This bill will make it illegal to sell electronic cigarettes to individuals under the age of 18 years of age.

#### Public Chapter 154

This act allows the Commissioner of Health or his designee to have electronic access to medical records in order to facilitate investigations when responding to an immediate threat to public health. Today the Commissioner of Health or his designee already has this authority but must go to the facility to review the medical records.

### Public Chapter 94

This act defines “abuse” and “neglect” for purposes of placing a person on the registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals specifically within the statutes that govern the Dept. of Health. It does not impact the definitions within the statutes that govern the Dept. of Intellectual and Developmental Disabilities nor the Dept. of Human Services. It also increases the time within which placement on the registry may be appealed from 30 to 60 days.

### Public Chapter 502

This act allows the Joint Government Operations Committee (the legislative committee that reviews all rules) to stay a rule up to 75 days instead of 60 days. Present law authorizes the Joint Government Operations Committee to consider the following factors when reviewing rules: authority, clarity, consistency, justification, necessity and reference. This act adds arbitrariness and capriciousness as two new considerations.

### Public Chapter 268

This act makes disclosures of protected healthcare information permissible in medical malpractice lawsuits.

### Other Board Business

- A. PICC Line Placements** – The Board decided not to take any action on the issue at this time.
  
- B. Report on Surplus Funds** – Mary Katherine Bratton, explained to the Board that after some research, it was determined that the Board could not use its’ surplus funds for a campaign against electronic cigarette use or in anti-smoking campaigns. Ms. Bratton explained to the Board that some of the research she has been working on such as the COPD screenings, asthma, and education training does not fit within the parameters of the statutes. However, there is a grant set aside for an electronic cigarette campaign. Ms. Bratton explained to the Board that there is a statute that authorizes Allied Health Professional research, and the Board of Respiratory Care qualifies under the statute establishing the Allied Health Workforce. She stated the Board could authorize a one-time grant for use in this area.

Ms. Bratton stated that she will bring further developments to the Board at the August meeting.

### Ratifications

Dr. McCartney made a motion, seconded by Mr. Hamm, to approve the list for newly certified, and registered respiratory therapists, and reinstatements. The motion carried.



## REGISTERED RESPIRATORY THERAPISTS

### NEW LICENSES

Rachel Armstrong  
Anthony Baker  
Jonathan Barnett  
Antoinette Beckley  
Alexis Belcher  
Ashley Benson  
Harley Billett  
Ryan Borden  
Laurie Bowden  
Crystal Bridgeforth  
Tiffany Brown  
Whitney Carroll  
Beaonkus Childress  
James Church, Jr.  
Kenya Clopton  
Cecily Crofford  
Ronna Davis  
Genese Dufur

Wendy Duron  
Charita Fason  
Angela Faxlanger  
Cynthia Goltry  
Sherry Hayes-Luzader  
Corey Hellman  
Brandon Herron  
Quankeshia Hodges  
Autumn Honaker  
Shaunna Jackson  
Yvette Jorden  
Timmy Lofton  
Amber Maharrey  
Abigail McKnatt  
Nancy McMahan  
Cristy McNutt  
Amanda Newman  
Lashun Nicholson

Rhonda Overdear  
Pam Redditt  
Jennifer Robinson  
Tristan Russell  
Jessica Self  
Laura Smith  
Paula Stanley  
Ashley Starin  
Ramona Staton  
Erika Stricklen  
Amber Sumner  
Justin Taylor  
Patti Jo Thompson  
Tonya Truesdale  
Dileep Valacheril  
Michael Vaughn  
Morgan Vernell  
Crystal Wilson

### REINSTATEMENTS

Kristen Gibson  
Janet Hite

Tracy Kayser  
Philisha Muckle

Bobbi Scalf  
Jocelyn Morgan

## CERTIFIED RESPIRATORY THERAPISTS

### NEW LICENSES

Jared Bias  
Aqueline Brown  
Richard Calcote  
Carlos Duncan  
Doreen Ellis  
Angela Elzie  
Tiffany Fry  
Mary Gum

Gina Halle  
Kevin Hoffman  
Kristen Keller  
Lacy McCullough  
Teresa Mitchell  
Andrew Moore  
Kristen Sherrill  
Chris Spraggs

Lisa Stehlik  
Cathy Stinefield  
Frances Taylor  
Deidra Viers  
Shawn Yates

REINSTATEMENTS

Patricia Bafford  
Robin Dancy  
Dionne Dandridge

Vicki Fisher  
Jessica Hand  
Amy Rich

Jeffery Stafford

POLYSOMNOGRAPHY ENDORSEMENTS

Sharon Fitzpatrick  
Chad Martin

RRT CLOSED FILES

Amber McBath  
Erin Carter  
Rhonda Overdear  
Linda Dempsey  
April Cross  
Michael Montmarquet  
Lisa Ingram

CRT CLOSED FILES

Jaclyn Grill  
Charles Powell

Adjournment

There being no further business, the meeting was adjourned at 12:10 p.m.

**These minutes were ratified at the August 27, 2015 board meeting.**