

## BOARD OF RESPIRATORY CARE MINUTES

**Date:** August 19, 2021

**Time:** 9:00 AM Central Time

**Location:** Office of Health Related Boards  
Iris Conference Room  
665 Mainstream Drive  
Nashville, TN 37243

**Members Present:** Kimberly Christmon  
Ray Davis  
Robert Farmer, Board Secretary  
Craig Rooks, Board Chair  
Dr. Gary Lovelady  
Curtis Powell

**Member(s) Absent:** Kira Anderson  
Linda Braddock

**Staff Present:** Kimberly Wallace, Unit 3 Director  
Lyndsey Boone, Unit 3 Manager  
Danielle DeShane, Board Administrator  
Samuel Moore, Assistant General Counsel

**Guests Present:** Theresa Phillips, TnPAP

### **Call to Order**

The meeting was called to order at 9:05am Central Time

### **Call for Public Comments**

Ms. Wallace made an announcement that the Board would hear public comments and directed the attendees to sign in on the register located by the front door and they would be called upon at the appropriate time in the meeting. She reminded the public that the Board may only act on items that are published on this meeting's agenda. Ms. Wallace also noted that any questions or comments can also be submitted in writing to the Tennessee Respiratory Board at 665 Mainstream Drive, Nashville TN 37243 or via email to [Unit3HRB.Health@tn.gov](mailto:Unit3HRB.Health@tn.gov).

### **Conflict of Interest**

Mr. Moore presented the Conflict of Interest Statement, as follows:

If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety, and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

### **Approval of Minutes**

Mr. Powell made a motion to approve the Minutes from the May 13, 2021, Board Meeting as written. A second was made by Mr. Farmer. There was no discussion on the motion. The motion passed unanimously.

### **Investigative/Disciplinary Report**

Lori Leonard, Disciplinary Coordinator, Office of Investigations, presented the investigative and monitored disciplined practitioners report as follows: For the monitored disciplined practitioners, there are five (5) under reprimand, six (6) under suspension, eight (8) revocations, five (5) surrenders and one (1) child support order to report.

So far for the year of 2021, the Office of Investigations has received five (5) new complaints regarding Registered Respiratory Therapists, two (2) for unprofessional conduct, two (2) for lapsed licenses and one (1) continuing education violation. The Office of Investigations has closed six (6) complaints, five (5) have gone to the Office of General Counsel for formal discipline and one (1) did not receive any action. There are currently seven (7) open complaints.

In the year 2021, the Office of Investigations has received two (2) new complaints regarding Certified Respiratory Therapists, one (1) for unlicensed practice and one (1) for unprofessional conduct. The Office of Investigations has closed four (4) complaints and all four (4) have gone to the Office of General Counsel for formal discipline. There are currently two (2) open complaints.

In the year 2021, the Office of Investigations have received one (1) new complaint regarding Respiratory Care Assistants for unlicensed practice. The Office of Investigations has not closed any complaints, and still has one (1) complaint open.

### **Financial Report**

There were no financial reports for the Board to review at this meeting. It is anticipated that the FY2021 year-end reports will be presented at the next meeting.

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

TnPAP representative, Ms. Theresa Phillips, was present to provide their report for July 1, 2020 to June 30, 2021, as follows:

Monitoring- Non-regulatory	3
Referrals	3
Agreements Activated	1
Discharges	0

### **Legislative Report**

Legislative Liaison, Ms. Olivia Spears, was in attendance to present the 2021 legislative summaries, as follows:

#### **Public Chapter 37**

This act prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members.

This act took effect March 23, 2021.

#### **Public Chapter 242**

This act authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth (5<sup>th</sup>) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations, and that the person continues to do so. The individual upon a court injunction would not be able to make public requests at the agency for up to one (1) year.

This chapter took effect April 28<sup>th</sup>, 2021 and will sunset July 1, 2025.

#### **Public Chapter 259**

This act establishes requirements for a healthcare provider to follow when either an inpatient in a health care facility, or someone who is seeking services in an emergency department, expresses to the provider a recent threat or attempt at suicide or infliction of bodily harm to themselves. In this scenario, the healthcare provider shall enter the attempt or threat into the patient's medical record. Upon discharge from the facility, the facility shall provide the patient with contact information to

access a qualified mental health professional or counseling resource unless the patient is discharged to another facility. This referral requirement can be satisfied by providing contact information for this state's mobile crisis services or the statewide crisis hotline. Lastly, the act states that a healthcare provider who violates this section is subject to discipline by the licensing authority.

This act took effect July 1, 2021.

### **Public Chapter 291**

This act requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule.

This act took effect July 1, 2021.

### **Public Chapter 328**

This act requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department's operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department's rulemaking authority for any reasonable period of time.

This act took effect July 1, 2021.

### **Public Chapter 453**

This act requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing either biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single occupant restrooms or family restrooms intended for use by either sex.

This act took effect July 1, 2021.

### **Public Chapter 531**

This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are nonsubstantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule.

This act took effect July 1, 2021.

**Public Chapter 532**

This act authorizes the joint government operations committee to stay an agency’s rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay.

This act took effect May 25, 2021.

**\*\*These are general summaries of legislation. For more detailed information and all specifics/requirements, please review the links to each public chapter\*\***

**Administrative Report**

Board Manager, Ms. Lyndsey Boone, presented the Administrative Report, as follows:

RRT	CRT	RCA
Active Licensees- 3,927	Active Licensees- 1,217	Active Licensees- 2

RRT	CRT
New applications received - 157	New applications received - 68
New licenses issued – 78	New licenses issued – 38
Reinstated - 15	Reinstated - 5
Registered Poly Endorsement(s) - 1	Certified Poly Endorsement(s) - 0
Number of renewals – paper - 45	Number of renewals – paper – 25
Number of renewals online - 375	Number of renewals online – 91
Number of licensees who retired - 14	Number of licensees who retired – 3
Number of licenses that expired - 37	Number of Licenses that expired – 18
Closed Files - 16	Closed Files - 6
Upgrades from CRT to RRT- 20	N/A
RRT Limited Permit to Full License – 22	CRT Limited Permit to Full License- 10

For Registered Respiratory Therapists, the number of renewals online during this period constituted a usage rate of 89%. For Certified Respiratory Therapists the number of online renewals constituted a usage rate of 78%.

Ms. Boone presented the remaining 2021 meeting date will be held on 11/10/2021.

Ms. Wallace reminded licensees to use a permanent ongoing email address instead of a school or work email address to ensure that the email address remains active on the licensure account.

### **Office of General Counsel Report**

Mr. Moore provided the OGC report, as follows:

#### **Litigation Matters**

The Office of General Counsel currently has three (3) contested hearings that are currently set for trial at the November 10 meeting.

#### **Consent Orders**

**Tomika Blair**- Received a drug test for a travel assignment where she tested positive for marijuana, which violates TCA 63-27-112(a). Ms. Blair has agreed to a standard TnPAP agreement, where her license is immediately suspended, but upon agreement to the TnPAP advocacy, her license will be placed on probation for a minimum of three (3) years. If she maintains her advocacy without any additional problems after three (3) years, her probation will expire. Ms. Blair will be responsible for legal fees up to \$2,000. Mr. Farmer made a motion to approve the consent order. Mr. Davis seconded the motion. There was no discussion on the motion. The motion passed unanimously.

#### **Agreed Citations**

Mr. Moore presented the following Agreed Citations to the Board for approval:

**Garrett, Barbara** - Licensee was not present. Agreed Citation was issued for failure to complete the continuing education requirement for 2019. Licensee has agreed to submit the three (3) deficient hours along with the additional penalty of five (5) hours along with a civil penalty of \$300.00. Mr. Powell made a motion to approve the Agreed Citation as written, and Ms. Christmon seconded. There was no discussion on the motion. The motion passed unanimously.

**Gish, Natalie** - Licensee was not present. Agreed Citation was issued for failure to complete the continuing education requirement for 2019. Licensee has agreed to submit the seven (7) deficient hours along with the additional penalty of five (5) hours along with a civil penalty of \$300.00. Ms. Christmon made a motion to approve the Agreed Citation as written, and Mr. Farmer seconded. There was no discussion on the motion. The motion passed unanimously.

**Lollar, Dinah** - Licensee was not present. Agreed Citation was issued for failure to complete the continuing education requirements for 2018-2019. Licensee has agreed to make up the seven (7) deficient hours including Patient Safety and Ethics along with the additional penalty of five (5) hours along with a civil penalty of \$300.00. Mr. Farmer made a motion to approve the Agreed Citation as written, and Mr. Powell seconded. There was no discussion on the motion. The motion passed unanimously.

**Pierre, Hermenah** - Licensee was not present. Agreed Citation was issued for failure to complete the continuing education requirement for 2019. Licensee has agreed to submit the twelve (12) deficient hours including the missing Patient Safety and Ethics along with the additional penalty of five (5) hours along with a civil penalty of \$300.00. Ms. Christmon made a motion to approve the Agreed Citation as written, and Mr. Farmer seconded. There was no discussion on the motion. The motion passed unanimously.

**Richardson, Beverly** - Licensee was not present. Agreed Citation was issued for failure to complete the continuing education requirement for 2018-2019. Licensee has agreed to submit the twenty-four (24) deficient hours including Patient Safety and Ethics along with the additional penalty of five (5) hours along with a civil penalty of \$300.00. Mr. Powell made a motion to approve the Agreed Citation as written, and Mr. Farmer seconded. Mr. Powell noted that it gives him pause as to how committed a practitioner is who is deficient of all hours for a 2-year period. The motion passed unanimously.

**Rooks, Corry** - Licensee was not present. Agreed Citation was issued for failure to complete the continuing education requirement for 2018-2019. Licensee has agreed to submit the twenty-three (23) deficient hours including Patient Safety and Ethics along with the additional penalty of five (5) hours along with a civil penalty of \$300.00. Mr. Farmer made a motion to approve the Agreed Citation as written, and Ms. Christmon seconded. There was no discussion on the motion. The motion passed unanimously.

**Whited, Sandra** - Licensee was not present. Agreed Citation was issued for practicing on a lapsed license from 04/01/2021-07/12/2021. Licensee has agreed to pay a civil penalty of \$100.00 per month she practiced on a lapsed license, minus the thirty (30) day grace period. The total civil penalty amounts to \$400.00. Ms. Christmon made a motion to approve the Agreed Citation as written. Mr. Farmer seconded. There was no discussion on the motion. The motion passed unanimously.

### **Applicant Interviews/File Review**

**Case, Debra** - Licensee was selected for CE Audit and wrote a letter to the Board indicating that she has not been actively practicing for the last several years, even though she continued to her renew license. The Administrative Office contacted Ms. Case and notified her that she does have the option to retire her license, which would then cause the audit to be closed. Ms. Case confirmed that she will be retiring her license, so there is no action for the Board to take on this request at this time. This will be pending receipt of the Affidavit of Retirement from Ms. Case.

Ms. Wallace reminded licensees that anyone who holds an active license is subject to being selected for CE audit and is required to hold onto their continuing education documentation for three (3) full calendar years past the year it was completed.

### **Ratifications**

Ms. Wallace informed the Board that the following files have been reviewed and found to be in good order in accordance with the Board's Rules.

**RRT**

Bell Chivonne Renell  
Berry Joslyn Estel  
Bonk Jennifer  
Bradbury Trenton Mikal  
Bradford Caroline  
Budd Kayla Dawn  
Burnett Lawrence  
Butler Christine Denise  
Butler Shea  
Cannon Ken  
Chisholm Michael J Mr  
Dalton Nikkia Raqual  
Davenport Danielle  
Davis Rebecca Anne  
Edwards Andre  
Ferris Teirra  
Fillers Caitlin  
Fleszar Mateusz Gabriel  
Fletcher Sara Fay  
Flora Erin Marie Ms.  
Gataa Kelsey Danielle  
Gilman Bonnie Jo  
Greene Brittany Logan  
Hague Trevor  
Hale Tina  
Hoaglan Chelsey Desarae  
Hotz Caleb  
Isaac Laquenta D.  
Johnson Kayler Renee  
Jones Megan  
Locklair Taylor Brooke  
Locust Amie Renee  
Lupse Flavius  
Mcnamara Ryan  
Mcvey Alexis Noelle  
Meadows Brittany  
Moldenhauer Tanner  
Mosby Katlynn  
Nelson Traci Michele

**CRT**

Acklin Amber Nicole  
Baldon Ashlee  
Booker Niesha  
Burnett Lawrence  
Carter Tracy Lenora  
Dalton Nikkia Raqual  
Danielson Josephine Marie  
Fletcher Charles Vance  
Fletcher Sara Fay  
Flora Erin Marie Ms.  
Foster Monica S  
Foxy Ashanti Jilleese  
Gee-Hudson Kenya  
Helton Emmakate  
Henderson Joshua CRT  
Hollins Lena  
Hopkins Ashley Lynn  
Jaynes Rebecca

**Reinstatements**

Boggs Benny D. JR.  
Denton Alexandra  
Dolberry Ansley  
Henson Stochia Jane  
Hooper Caycee  
Luther Natalie  
Major Roger M. RRT  
Miller Cristi Phillips  
Patton Mary Hicks  
Riggs William  
Shott Tonya Lewis  
Smith Mariah  
Whited Sandra  
Gautz Falin Collette  
Gentry Joyce C.  
Hale Carla Jo  
Loomis Monica D.  
Okpeyen Nosakhare  
Bacon Lisa Jo  
Hale Alexis Victoria

**Temporary Permits**

Bazie Theresa  
Box Kaitlyn Marie  
Cardenas Gloria Elizabeth

**Closed Files**

Barrett Renetta  
Benford Cassidy  
Duvall Tyler

**Polysomnography**

Christine Butler



Chaffin Sarah Elizabeth	Edwards Latonya A
Dalton Danielle	Gaines-Hintz Sarah K
Dulak Olivia	Gary Arielle Miss
El Ezeb Haneen Ms.	Gerges Rosemary
Golden Kabria	Gomes Cassidy
Gordon Dylan Ross	Lewis Linda Faith
Hall Cora	Muraco Hugo P
Kirkham Kabria	Orna Taylor
Miller Carleigh	Osborne John V
Penjweeni Rezhna	Schindler Karen
Pettis Kiara	Smith Meredith Austin
Piper Kerri Lane	Van Buren Hunter Scott
Pittman Jason Douglas	Yule Kimberly Mrs.
Ridenour Allison Hope	Jemison Kelly Jean
Secrest Taylor	Butler Christine Denise
Stallings Tyler	Colon David Mr
Turano Dawn Ms.	Earl Jared Earl
Tyson Madison Jonae	Maclin Gennifer
Vergeson Emily	Nolan Dennisa
Williams Brandy Wadene	Barrett Renetta
Grandberry Demiya	Benford Cassidy
Runk Courtney Anglin	Duvall Tyler
Taylor La'Kihya Brielle	Edwards Latonya A
Tillis Deja	Gaines-Hintz Sarah K

Mr. Powell made a motion to approve the Ratification List for new licenses, reinstated licenses, polysomnographic endorsements, and closed/withdrawn files, as written. A second was made by Mr. Davis. There was no discussion on the motion. The motion passed unanimously

#### **Taskforce/Committee Reports**

There were no taskforce or committee reports for the Board to review in this meeting.

#### **Rulemaking Hearings, Rule Amendments, and Policies**

There were no rulemaking or policy items for the Board to review in this meeting.

#### **Correspondence**

There were no correspondence items for the Board to review in this meeting.

## Conferences

### **FARB Regulatory Law Seminar- Nashville, TN 9/30/2021-10/3/2021**

This event will offer both virtual and in-person attendance options, and is designed for board attorneys, and covers topics related to administrative law and representing regulatory boards.

Mr. Moore indicated he could attend most of the event virtually, and that some of the topics could be very beneficial for the Board. Mr. Powell made a motion to approve sponsorship for the Board's Advisory Attorney to attend the FARB Regulatory Law Conference. A second was made by Mr. Davis. There was no discussion on the motion. The motion passed unanimously.

### **AARC Congress 2021- Phoenix, AZ 12/1/2021, 12/3/2021, 12/7/2021, 12/9/2021**

This event was initially an in-person event but changed to a virtual setting offering 4 different days for attendance. Mr. Farmer and Mr. Powell wish to attend the event. Dr. Lovelady made a motion to approve sponsorship for Farmer and Powell to attend the event virtually. A second was made by Mr. Davis. There was no discussion on the motion. The motion passed unanimously.

## Discuss Old and New Business

There was no old business or new business to be discussed during this meeting. Ms. Wallace reminded the Board that if there are any topics or items a Board Member would like to request the Board to include on a future agenda, this would be their opportunity to make that request.

## Call for Public Comment

Ms. Wallace announced one final opportunity for public comments before the end of the meetin. There were no public comments offered. Ms. Wallace reminded the audience that public comments may also be submitted in writing and sent by mail to The TN Respiratory Board, 665 Mainstream Drive, Nashville, TN 37243 or sent via email to Unit3HRB.Health@tn.gov.

## Adjournment

There being no further business, Mr. Davis made a motion to adjourn at 9:57am CST. A second was made by Ms. Christmon. There was no discussion on the motion. The motion passed unanimously.

**These Minutes were ratified by the Board on November 10, 2021.**

  
Craig Rooks, Chair

11-10-21  
Date