

TN BOARD OF RESPIRATORY CARE MEETING MINUTES

Date: October 31, 2022

Time: 9:00 AM Central Time

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

Members Present: Kira Anderson
Linda Braddock, Consumer Member
Kimberly Christmon
Ray Davis
Robert Farmer, Board Secretary
Curtis Powell
Craig Rooks, Board Chair

Member(s) Absent: Dr. Gary Keith Lovelady

Staff Present: Kimberly Wallace, Regulatory Board Administrative Director
Sam Mullins, Regulatory Board Administrative Assistant
Ashley Fine, Senior Associate General Counsel

Guests Present: Teresa Phillips, TnPAP

Call to Order

The meeting was called to order at 9:03am Central Time. A roll call of Board Members was made, with a quorum present at the Call to Order. Administrative and legal staff were introduced.

Approval of Minutes

Mr. Powell made a motion to approve the Minutes from the August 18, 2022, Board Meeting as written. A second was made by Mr. Farmer. There was no discussion on the motion. The motion passed unanimously.

Investigative Report

Roger Knowlton, Intake Coordinator with the Office of Investigations, presented the Complaints report for 2022 to-date as follows:

Open Complaints	5
Closed Complaints	4

Total New Complaints	11
Unlicensed Practice	1
Substance Abuse	2
Criminal Charges	1
Outside Investigative Scope	1
Violation of Order	1
Lapsed License	1
Continuing Education Violation	4

Financial Report

Fiscal Director, Alicia Grice, was present to give the FY2022 Year End report to the Board, with highlights as follows:

- Total Expenditures: \$208,920.95
- Board Fee Revenue: \$277,558.38
- Current Year Net: \$68,637.43
- Cumulative Carryover: \$1,105,912.63

Ms. Grice brought up a potential fee decrease to create a strategic plan for the Board to go into the red for a period of time to purposefully bring down the Cumulative Carryover balance.

Mr. Powell was hesitant to make reductions, due to the last couple of fiscal years being affected by the pandemic. He would like to see what this fiscal year would bring as operations are returning to normal.

Ms. Grice stated there were many options for the Board to consider when reviewing the Cumulative Carryover balance.

Board Members discussed the idea of the number of the potential reciprocity applicants having increased during the pandemic and the potential for the number of respiratory school applicants having decreased throughout the pandemic.

Ms. Wallace noted that the Administrative Office could provide reports showing the number of new licensees by reciprocity for the last three fiscal years to review against the numbers being reflected in the financial report. She also reminded the Board that the rulemaking period takes time and is not an immediate change.

Ms. Grice discussed the rulemaking time required to make a change and that the Fiscal Office recommends the Board make a fee reduction.

Ms. Grice was available to present several scenarios to the Board to consider for potential fee

decreases to create a strategic plan for the Board to go into the red for a period of time to purposefully bring down the Cumulative Carryover balance.

Ms. Christmon was in favor of decreasing the initial application fee, in consideration of new graduates and the other costs they incur as they enter the profession.

Ms. Grice explained that after the fiscal year ends and the Board's finances have been reconciled, any excess funds go to the general balance, and this reserve balance is very limited in its use, such as for a fiscal year when the Board may go into the red, or for approved system improvements.

Mr. Powell recommends a moderate decrease in the fees, rather than being overly aggressive, or the conservative proposal not being enough. The fee should be substantial enough to be attached to the pride and value in being a licensee.

Mr. Rooks' hesitation is being overly aggressive now and the negative impact of having to later increase the fees. He feels it's creating a long-term challenge.

Mr. Farmer is in favor of changes to application fees rather than renewals, as that only affects those entering the profession rather than those already in the profession, as later increases would not affect those already in the profession.

Mr. Powell wants a report of the current 2023 fiscal year numbers for the next report.

A motion was made by Mr. Powell to make the following fee decreases:

Current Application Fee: \$70.00 – Decrease to: \$25.00

Current License Fee: \$80.00 – Decrease to: \$25.00

Current Renewal Fee: \$75.00 – Decrease to: \$50.00

And also requests the Finance Department to provide a report of current FY data and forecasts.

With a second by Mr. Farmer. Discussion on the motion: None. The motion passed unanimously.

Legislative Report

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

Tennessee Professional Assistance Program Report (TnPAP)

TnPAP Representative, Ms. Theresa Phillips, was present to provide their report for July 1, 2021, to September 30, 2022, as follows:

Agreements Activated	1
Monitoring	4
Non-Regulatory	2
Regulatory	2
Referrals	3
Positive workplace Screen	1

Impairment	2
Discharges	3
Evaluated- No Monitoring Recommended	0
Evaluated- Declined Services	1
Monitoring Complete (Regulatory)	1
Monitoring Complete (Non-regulatory)	1

Administrative Report

Board Administrator, Mr. Sam Mullins, presented the Administrative Report, as follows:

The following are the total active licensees as of October 24, 2022:

RRT	CRT	RCA
Active Licensees – 4,131	Active Licensees – 1,244	Active Licensees – 1

Licensing activities from August 17, 2022, through October 24, 2022:

RRT	CRT
New applications received – 46	New applications received – 18
New licenses issued – 71	New licenses issued – 53
Reinstated – 7	Reinstated – 2
Registered Poly Endorsement(s) - 0	Certified Poly Endorsement(s) - 0
Number of renewals – paper – 55	Number of renewals – paper – 21
Number of renewals online – 246	Number of renewals online – 84
Number of licensees who retired – 10	Number of licensees who retired – 3
Number of licenses that expired – 27	Number of Licenses that expired – 12
Closed Files – 23	Closed Files – 3
Upgrades from CRT to RRT - 7	NA
RRT Limited Permit to Full License – 13	CRT Limited Permit to Full License - 8

For Registered Respiratory Therapists, the number of renewals online during this period constituted a usage rate of 82%. For Certified Respiratory Therapists the number of online renewals constituted a usage rate of 80%.

2023 Board Meetings dates are as follows:

- February 16, 2023
- May 18, 2023
- August 17, 2023
- November 16, 2023

Ms. Wallace and Mr. Mullins confirmed that applicants receive an initial deficiency letter upon review of their application, and they have 60 days from the date of that letter to submit all required documents, complete and in good order. If all documents are not received within 60 days, the

application is subject to being closed and after a file closure, in order to further pursue licensure, an individual will be required to re-apply, inclusive of all fees.

Office of General Counsel Report

Ms. Fine presented the OGC Report inclusive of a review of the Conflict of Interest Policy, and other items, as follows:

CONFLICT OF INTEREST

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.

OPEN MEETINGS ACT

Pursuant to the Open Meetings Act, Committee business may only be discussed by the committee members during the meeting. Members should not discuss the committee's business at any time other than during the open Committee meeting. The prohibition applies to phone calls, emails, and text messages. Committee members should also ensure that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

RULES

There are no open rules projects at this time.

LITIGATION APPEALS

There are no pending appeals from Board action.

CIVIL SUITS

None

PENDING CASES

The Office of General Counsel currently has six (6) open cases against respondents who hold respiratory care licenses.

DISCIPLINARY REPORT

The Disciplinary Coordinator for the Board of Respiratory Care is currently monitoring:

- Eight (8) licensees for a reprimand;
- Six (6) licensees for probation;
- Four (4) licensees for suspension; and
- Thirteen (13) licensees for revocation.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Consent Orders

None

Agreed Citations

Laila Cowell, RRT 4430 - Licensee practiced on a lapsed license for approximately 3 months and has agreed to pay the civil penalty of \$200.00. A motion was made by Ms. Braddock to approve the Agreed Citation, as written. With a second by Mr. Farmer. Discussion on the motion: None. The motion passed unanimously.

John Lester, CRT 6226 - Licensee practiced on a lapsed license for approximately 3 months and has agreed to pay the civil penalty of \$200.00. A motion was made by Ms. Braddock to approve the Agreed Citation, as written. With a second by Ms. Anderson. Discussion on the motion: None. The motion passed unanimously.

Amanda Hamm Odle, RRT 2168 - Licensee practiced on a lapsed license for approximately 3 months and has agreed to pay the civil penalty of \$200.00. A motion was made by Ms. Braddock to approve the Agreed Citation, as written. With a second by Mr. Farmer. Discussion on the motion: None. The motion passed unanimously.

Applicant Interviews/File Reviews

Lisa Halteman, RRT File #8630

Ms. Halteman has applied for a license as an RRT. She is a 2022 respiratory program graduate, and she has not been licensed in any other state in this profession. Upon review of her application file, her documentation showed that she was licensed in TN as a Licensed Practice Nurse (LPN) in 1999. That LPN license was suspended in 2015, with the suspension stayed and the license placed on probation for a period of three (3) years via a Consent Order with the TN Board of Nursing, with a requirement that Ms. Halteman undergo an evaluation and subsequently enter into a monitoring agreement with TnPAP, as applicable. Per that Order, failure to maintain 100% compliance with the terms of a TnPAP monitoring agreement and advocacy would result in a lifting of the stay of suspension of the nursing license. Ms. Halteman's LPN license is currently in a suspended status. Due to the previous disciplinary action and current status of her LPN license, Ms. Halteman's application for a RRT license could not be administratively approved and is being presented to the Board for review and a licensing decision.

Ms. Halteman was present to discuss her application file with the Board.

Ms. Halteman discussed her LPN license with the Board and her experiences with previous disciplinary issues and the disciplinary requirements that were issued by the TN Board of Nursing

and her pathway to respiratory care.

She has been assigned to TnPAP twice through the Nursing Board. Completing it once, in 2009, due to a positive drug screen, this was not assigned by the Board of Nursing, and again in 2015 when she didn't complete it after being assigned by the Board of Nursing.

Mr. Rooks voiced concern about the previous multiple drug diversion instances in Ms. Halteman's history. He sees a trend, which is a problem. Mr. Powell concurred. Ms. Halteman stated she believes she has learned from past mistakes. Mr. Rooks stated he is hearing excuses. He's worked through many difficult documentation experiences himself and wants to know what Ms. Halteman would do differently now, what is her solution. Ms. Halteman states she would look to document at the same time as pulling medication. Ms. Anderson brought up real-time charting being a responsibility of healthcare professional and is concerned about Ms. Halteman meeting these requirements in respiratory when she had challenges doing so in the nursing profession. Ms. Halteman mentioned rolling computer carts and notating on clipboards as she goes. Using her past experiences to frame what she would do going forward. Ms. Christmon asked what Ms. Halteman learned in school to do prior to administering medication. Ms. Christmon reviewed the correct procedures with Ms. Halteman.

Ms. Fine reviewed options with the board, including approvals, contingent, conditional (disciplinary action), denial (requires reason by violation, discipline), and in lieu of denial may allow applicant opportunity to withdraw the application. Board may include nursing license situation as a condition or contingency if they feel it is appropriate.

Ms. Anderson asked Ms. Halteman if she sought advisement regarding her entering a respiratory education program that would ultimately require her to get a license to practice and the concerns with her previous nursing license. She replied that she did not think to discuss this with the educators at her respiratory school. Mr. Powell said Ms. Halteman appears to reactively respond, not proactively respond to these situations. He states that respiratory therapy must be proactive or patients will die. Respiratory therapists must be able to think clearly and proactively in everything they do because lives lay in the balance in everything they do. It is an intensive career. The excuses she has made are reactive responses. He is concerned about the safety and wellbeing of patients because she does not seem to be sensitive to the consequences. He is struggling and would not be comfortable at any level to grant the license at this point. He understands that people do make errors and mistakes and is looking for a way to find a contingency. He sees no evidence for personal use but does not see evidence of not diverting for street value resale, but is not making any accusation. It is the patient's safety that is his foremost consideration. Where there is smoke, there is fire many times, but he is not making an accusation and that is where his angst comes in.

Mr. Farmer asked Ms. Fine about a conditional license and could they request progress reports from any employer. She concurred. They would need to include a deadline of when that condition would be met.

Mr. Farmer noted there are audits in place in SNF's but not always full oversight. Not documenting can become culpable. It would have been interesting to have audited for multiple months, but could not have jeopardize patient care that long to observe.

A motion was made by Mr. Powell to approve a conditional license with two-fold conditions 1), she must undergo a TnPAP evaluation and enter into a monitoring agreement/advocacy as they may recommend, 2) quarterly reports from her employer will be required, which will verify that they have completed audits of her documentation in medication administration, verifying she has documented what has been administered, and that she is demonstrating good, thorough, and timely documentation. The reports from her employer should include a quarterly representative sample of a minimum of 30 data points per quarter. Beginning with her date of employment, reports will be due every 90 days thereafter for 12 full months. With a second by Mr. Farmer

Discussion on the motion: Ms. Anderson asked if the audits would include any missed medications or dosages. If there are any omitted or missed dosages, they must be documented in the report. Ms. Christmon noted that missed medications can occur at any time. Mr. Powell clarified it is representative sample audit, minimum of 30 data points, preferable 50, performed on a quarterly basis. A roll call votes was conducted, as follows:

Ms. Kira Anderson - Aye
Ms. Linda Braddock - Aye
Ms. Kimberly Christmon - Aye
Mr. Ray Davis - Nay
Mr. Robert Farmer - Aye
Mr. Curtis Powell - Aye
Mr. Craig Rooks - Aye

The motion passed by majority vote.

Tommy Shearer, RRT File #630

Mr. Tommy Shearer was initially licensed as a RRT in TN in 1990. In 2019, that RRT license was voluntarily surrendered, which has the same effect as a revocation, via Consent Order with the TN Respiratory Care Board. Mr. Shearer is not licensed in this profession in any other state, and has applied to reinstate his TN RRT license. Due to the previous disciplinary action and current status of his RRT license, Mr. Shearer's application for RRT license reinstatement could not be administratively approved and is being presented to the Board for review and a licensing decision.

Mr. Shearer was present to discuss his application file with the Board.

Ms. Christmon asked to be recused and left the room for this portion of the meeting. Ms. Fine was agreeable to the recusal. A quorum of voting Board Members was still present to discuss and take action on this item.

Mr. Shearer discussed with the Board the circumstances and situation around his previous disciplinary action that led to his Consent Order from the Board in 2019. He expressed his regret for his prior actions and his wish to make right what he made wrong in 2019. He desires to regain

the respect he had prior to this occurrence back in 2019. His NBRC credentials are not currently active.

Mr. Powell noted the offences named in the 2019 Consent Order were predatory in nature and are often addictive in nature. He respects Mr. Shearer's faith but has strong concerns about the nature of the practice of respiratory care presenting temptation for further action in the previous offences. Mr. Shearer stated that he understands where he crossed the line and knows what he did was unacceptable and would not happen again, that he felt those incidents were innocent and he didn't know at that time he would be reported for them.

NBRC Letter of surrender from Ethics Committee only notes CRT credential not RRT credential.

Mr. Powell expressed further concern about Mr. Shearer's grasp of the implications of his previous actions that led to the Consent Order. This is a critical issue. Believes it would be a disservice to put Mr. Shearer into the position again. You don't walk back into areas of previous challenge. The Board's obligation is to protect the public and patients can be in a very vulnerable state. Ms. Anderson brought up Mr. Shearer's actions of inappropriate touching and text messages, and he has been dismissive of the weight of these actions. There is a risk of an offense being committed against a patient that is unable to know it has occurred or be able to communicate it happened. Mr. Shearer acknowledged his guilt in the offences that occurred and stated he would not make the same mistake again. Mr. Davis appreciated Mr. Shearer's comments. He asked if Mr. Shearer has participated in any counseling, Mr. Shearer said he has not been through any professional counseling. Said he has been humiliated through the situation because of it being a matter of public record.

Mr. Davis noted the purpose of the Board is to protect the citizens of TN and that drives their concerns. As a Board, their decisions must protect the people of TN.

Mr. Farmer noted that Mr. Shearer's comments have focused on what has happened to him in this process and have not acknowledged that there were victims, which Mr. Shearer himself victimized.

A motion was made by Mr. Powell to deny the application based upon TCA 63-27-112(a)(2), TCA 63-27-112(a)5, and TCA-27-112 (a)(11), as was noted in the grounds cited in the Consent Order from 2019. With a second by Ms. Anderson. Discussion on the motion: Ms. Fine confirmed the Board must provide statutory grounds for the denial. The motion passed unanimously

Ratifications

Ms. Wallace informed the Board that the files below have been reviewed and found to be in good order in accordance with the Board's Rules. Ms. Braddock made a motion to approve the ratification list as written, Mr. Davis seconded. There was no discussion on the motion. The motion passed unanimously.

Ratification List

August 17, 2022 – October 24, 2022

Licensed

RRT

Adkins Dylan
Alley Joshua Randall
Babiry Ikhenk
Bailey Alexis Nicole
Beath Brian Mr.
Brown Alexis Gail
Brown Courtney
Bruner William Jacob
Buckingham Addisan Elizabeth
Burnes Mikaela Leeann
Chisolm Courtney
Colbert Kayla
Collum Rebecca Olivia
Cook Janet Louise
Cuellar Perez Yubisdreysis
Duran Brisa Jazmin
Fann Jennifer Ellen
Fraser Mary Margaret
Gorrell Tori Mason
Grossman Melissa
Hale Katherine Leeann
Hall Chasity
Hamm Jeanette Curlee
Harper Joddie Jean
Hart Shelby Nicole
Horne Jeffrey Glenn
Hubert Tanisha Marie
Hughes Chelsey
Johnson Vynadra
Jones Chasilyn
Kay Monica
Kuhn Jessica
Lane Briona Neshai
Lara Lizzet
Lawson Ashley Renee
Malone Christopher Lamont
Martin Emily Marguerite

Martorana Alfred
May Kayla
Mcallister Melissa Ellison
Mccraney Kendra
Meadows Alyssa Noel
Methner Veena
Mitchell India
Neufville Densil A
Newton Morgan
Nguyen Yolanda
Owen Jonathan Andrew .
Penley Mollie
Phillips Jessica Ms
Pitman Tifni
Polakow Pattie Sue
Rhodes Erin Rachelle
Rios Ryan
Rose Alexandra
Roybal Theresa Maria
Schmidt Travis
Smyth Faith
Stahl Ryan Christopher
Stinson Katena Price
Sullivan Dawn Denea
Turner Stephen
Valdivia Lopez Marlenne
Guadalupe
Von Strahl Paul
Williams Kearre
Wilson Kelly E
Yunus Rojeen

CRT

Alfras Janet Marie
Asmar Diana
Boyd Ebony
Bryson Joshua
Crane Jeri Michelle
Evans Marketha
Gibson Deanna
Gladney Latrice
Harris Rachel

Jenkins Candace
Malone Christopher Lamont
Nelson Karia
Perkins Brittany
Rose Jodie
Shaw Courtney
Slone Gary
Tayib Serwan K
Thatcher Autumn
Thoenen Robert Lawrence
Unbehagen Cassidy
Williams Michael D

RRT Work Permit

Harstick Juliet Rochelle
Helmy Mina
Lanier Indhia Alani

CRT Work Permit

Hall Acacia Renee CRT
Raasch Parastoo
Roberts Tra'Meisha Marie
Monique

Reinstatement

RRT

Baker Courtney Nicole
Everhart Catherine E.
Foster Alean German
Murphy Christine Albin
Odle Amanda Hamm
Russell Tristan Courtney
Wilson Randall Carter

CRT

Pegues Kendra Hodges

Closed

Beedle Cheryl Lynn
Biggers Lisa Yarbrough
Bowman Sabrina
Colburn Tracy Scitzs
Elliott Jesse
Ferguson Mary

Giovingo Jaeda Mrs
Harris Darrell Harris
Henderson Logan Riley
King Melanie
Lawrence Neil Rayan
Luu Charles
Machac Megan Leigh
Moore Dominique
Patterson Dean Shannon
Polk Kathryn
Polk Ronald mr
Sanchez Mary Regene
Schlueter Angela
Shin Denise
Sisson Tamra
Voshell Samuel Elbron Jr
Westerfield Jessica
Creel Timothy David
Glover-Talton Beverly Talton
Golden Kabria

Taskforce/Committee Reports

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

Correspondence

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

Conferences

Upcoming Event: FARB – Nashville, TN, January 26 – 28, 2023

Attendees Volunteered

- Attorney Fine
- Kira Anderson

A motion was made by Mr. Farmer

To approve sponsorship of attendance by Ms. Fine and Ms. Anderson at the FARB Conference. With a second by Mr. Powell. Discussion on the motion: None. The motion passed unanimously.

Conference Attendance Reports – Kimberly Christmon

Ms. Christmon attended the FARB Conference in January 2022 as a Board representative and presented some highlights of the conference, including 1) compact licensure, 2) perspective of

citizen members serving on professional boards, 3) compromising scenarios by board members outside of a board meeting.

Ms. Christmon also attended the AARC Summer Forum in July 2022 and presented highlights of the conference, including, 1) how to attract respiratory therapists, promoting the profession, 2) workforce supply & demand, and 3) ways to attract interest in the profession.

Discuss Old and New Business

There was no old business or new business to be discussed during this meeting.

Rulemaking Hearings, Rule Amendments, and Policies

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

Election of Board Officers

Current Board Officers

Chair: Craig Rooks

Secretary: Robert Farmer

Nominee for Chair: Mr. Rooks, by: Mr. Davis

Nominee for Chair: by Mr. Farmer, by: Mr. Rooks

Nominee for Secretary: Mr. Rooks, by: Mr. Powell

A motion was made by Mr. Davis to maintain current officers of Mr. Rooks as Chair and Mr. Farmer as Secretary. With a second by Ms. Braddock. Discussion on the motion: None. The motion passed unanimously

Call for Public Comment

Ms. Wallace announced one final opportunity for public comments before the end of the meeting. 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, Ms. Braddock made a motion to adjourn at 1:57 pm CST. A second was made by Mr. Farmer. There was no discussion on the motion. The motion passed unanimously.

These Minutes were ratified by the Board on February 16, 2023.


Craig Rocks, Chair

2-16-23
Date