

**TN BOARD OF RESPIRATORY CARE
MEETING MINUTES**

Date: November 7, 2024

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, Secretary
Robert Farmer, Board Chair
Dr. Gary Keith Lovelady
Dr. Delmar Mack, Consumer Member
Curtis Powell
Craig Rooks

Member(s) Absent: Kira Anderson

Staff Present: Lyndsey Boone, Regulatory Board Administrative Director
Melicent Smith, Regulatory Board Administrative Assistant
Ashley Fine, Senior Associate General Counsel

Guests Present: None

Call to Order

The meeting was called to order at 9:01am CST and chaired by Mr. Farmer. A roll call of Board Members was made, and a quorum was present at the Call to Order with Ms. Christmon, Mr. Davis, Mr. Farmer, Dr. Mack, Mr. Powell, and Mr. Rooks in attendance. Dr. Lovelady arrived after the Call to Order and joined the meeting after the conclusion of the Contested Case Hearing. Administrative staff, including new Administrator, Ms. Melicent Smith, and legal staff were introduced.

Contested Case Hearing

Eric Dewayne Hayward, RRT #7623, Docket No. 17.47-244043A

Court Reporter: Helen K. Stephens, LCR, RPR (with Stephens Court Reporting).

Administrative Judge: Shannon Barnhill

OGC: Regan Cothron, Associate General Counsel

The Respondent was not present and notified the OGC he would not be present.

Judge Barnhill reviewed the expectations of the Board and conducted a roll call to verify a quorum. Ms. Cothron reviewed the various ways that OGC had tried to reach out to Mr. Hayward and there was no response until November 6, 2024, when he informed OGC that he would not be attending the case hearing.

Ms. Cothron made a motion to the judge to accept her reasonable efforts at contact of the defendant, Eric Hayward.

Judge Barnhill stated the attorney has made sufficient service to contact the defendant, then informed the Board that they may choose to make a motion to continue in default or not.

A motion was made by Curtis Powell

To hold Mr. Eric Hayward in default.

With a second made by Kimberly Christmon

Discussion: None OR As Follows

Attorney stated a voice vote was sufficient.

Ms. Anderson	Absent				
Ms. Christmon	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	
Mr. Davis	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	
Mr. Farmer	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	
Dr. Lovelady	Absent				
Dr. Mack	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	
Mr. Powell	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	
Mr. Rooks	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	

The motion passed unanimously by voice vote.

Exhibit 1. Notice hearing of charges

Opening statement: Regan Cothron, associate general counsel. Went over findings of fact directly from the order.

Judge stated no discussion should be happening outside of the hearing, the Board sits as a jury, and went over the Sunshine law. The state holds the burden of proof to show that defendant acts are true.

- Exhibit 2. Notice of hearing
- Exhibit 3. Affidavit of Mr. Haywards licensure file.
- Exhibit 4. Affidavit from America’s Healthcare staff, Sakina Hassan
- Exhibit 5. State’s request for admissions sent to Mr. Hayward
- Exhibit 6. Email received from West TN Healthcare to investigator about the week the Respondent did or did not work
- Exhibit 7. Comply letter and corrected action form
- Exhibit 8. Picture of computer screen and user manual for computer
- Exhibit 9. States proposed final order

Closing statement was made by Ms. Cothron: The Respondent had a travel contract from Dec 19, 2022, to March 25, 2023, then started a second one that started April 3rd and went through April 23rd; there is a week between those two contracts. Affidavit from staffing agency states that he changed his time himself and did not physically work during that week between contracts. Ms. Cothron asked that the Board discipline this license for unprofessional acts towards the profession.

Judge reviewed the duties of the Board and reviewed their authority.

The Board reviewed and discussed the finding of fact, including clarifications of the timesheet exhibit, and made mention of the Respondent’s failure to attend the hearing, the lack of any written response from the Respondent for the Board to consider, the hours reported on the timesheet for dates the Respondent was not scheduled to work, the seriousness of fraudulent reporting of time worked and the potential ethical and integrity considerations of such actions to carry over into patient care. Board Members expressed agreement with the disciplinary measures presented in the proposed Final Order.

Judge Barnhill stated the Board could adopt the Order as presented if they so choose.

A motion was made by Dr. Mack
 To adopt the Final Order as presented to the Board.
 With a second made by Mr. Davis
 Discussion: None OR As Follows

A roll call vote was conducted, as follows:

Ms. Anderson	Absent				
Ms. Christmon	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	
Mr. Davis	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	

Mr. Farmer	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED
Dr. Lovelady	<input type="checkbox"/> Absent			
Dr. Mack	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED
Mr. Powell	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED
Mr. Rooks	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED

The motion passed unanimously by roll call vote.

Public Comment

Ms. Boone reviewed the Public Comment policy, wherein, any individual wishing to make a public comment at a board meeting must submit a request to do so in writing, it must include the specific topic from the published agenda/sunshine notice for the meeting for which the individual wishes to make comment and must be received by the Administrative Office at least ten (10) business days prior to the date of a meeting.

Should the agenda be amended after initial publication, the member of the public wishing to address the Board on an amended agenda item must give their written notice no less than twenty-four (24) hours prior to the meeting.

The email address for submission of a request to make public comment for this Board is: Unit3HRB.Health@tn.gov.

No prior written requests for public comment were received by the Administrative Office for this meeting.

Discuss and take action as necessary regarding Legislation

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

Receive Reports and/or Requests from the Office of Investigations

The Investigations reports for CY2024 YTD were presented by Jada Davis, as follows:

CY2024 YTD

Currently Open Complaints	6
Closed Complaints	6

Total New Complaints Opened	18
Substance Abuse	2
Criminal Charges	1
Unlicensed Practice	1
Unprofessional Conduct	2

Lapsed License	1
Criminal Conviction	1
Mental and/or Physical Impairment	1
Continuing Education Violation	9

Receive Reports and/or Requests from the Division of Health Licensure and Regulation

Fiscal Director Emily Godwin was present to provide the FY2024 reports to the Board, with highlights including:

- Total Expenditures: \$258,459.75
- Board Fee Revenue: \$255,467.65
- Change in Position: -\$ 2,992.10
- Reserve Balance: \$1,066,018.48
- The Reserve Balance exceeds two times the three-year average of operating expenditures for two consecutive fiscal years.
- Revenue is not two times greater than expenses for two consecutive fiscal years.

Ms. Godwin reviewed options Boards have to decrease the reserve balance, which is what the Board is doing through previous fee decreases. By law, however, they will still have to appear before the legislature because, technically, they are not considered self-sufficient.

The Board asked if the OIV and OGC or other expenses can be paid out of the reserve balance. Ms. Godwin stated that only the technology updates can be taken out of the reserve balance.

Ms. Godwin reviewed the Board revenue report.

Ms. Fine noted that the actual fee decrease will start to be realized in FY25 since it only went into effect on June 25, 2024.

Dr. Mack asked Ms. Godwin about increasing the per diem Board Members receive for service. Ms. Boone informed Dr. Mack that this fee is written in statute and requires a legislative change and also noted that the Board does not lobby the legislature for changes to statute.

Receive Reports and/or Requests from the Peer Assistance Program

The Administrative Office did not receive any reports or requests from the TN Medical Foundation for the Board’s review in this meeting. TMF representative Tamiko J. Webb was in attendance but made no presentation to the Board. There have been no referrals made.

Receive Reports and/or Requests from the Office of General Counsel

Ms. Fine presented the report, 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, Board business may only be discussed by Board members during the meeting. Members should not discuss the Board's business at any time other than during the open Board meeting. This prohibition applies to phone calls, emails, and text messages. Board 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

On November 16, 2023, the Board voted to amend Rule 1330-01-.07(7) regarding notification of incomplete application files. This rule amendment is currently in internal review.

At the May 9, 2024, meeting, the Board voted to amend various rules as a result of the review conducted pursuant to 2021 Public Chapter 328. Those rules are in process.

LITIGATION

Appeals

None.

Civil Suits

None.

PENDING CASES

There are currently four (4) open cases in the Office of General Counsel. There is one (1) contested cases scheduled for this meeting.

DISCIPLINARY REPORT

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

Four (4) licensees for a reprimand;

One (1) licensee for probation;

One (1) licensee for suspension; and

Eight (8) licensees for revocation.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Consent Orders

Copies of the ratified Consent Orders are attached to these Minutes.

Gerald Moore, RRT License #3686

Mr. Farmer recused himself as a former co-worker

A motion was made by Mr. Rooks

To approve the Consent Order.

With a second made by Mr. Powell

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Anthony Scott Turner, RRT License #6453

A motion was made by Mr. Davis

To approve the Consent Order.

With a second made by Mr. Farmer

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Dawn West, RRT License #4898

A motion was made by Mr. Powell

To approve a corrected version of the Consent Order, noting the licensee is a CRT, not an RRT.

With a second made by Dr. Mack

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Jacquelyn Dean Watson, RRT License #7594

A motion was made by Mr. Rooks

To approve the Consent Order.

With a second made by Mr. Davis

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Agreed Orders

None

Orders of Compliance

Ian West, RRT License #6322

Mr. West attended the meeting by phone call to speak to the Board. Mr. West confirmed that he has completed his requirements with TNPAP and stated that he liked the program as it helped him get back on his feet and get back into the field and it was invaluable to him. The Board commended Mr. West for meeting the requirements.

A motion was made by Mr. Powell

To accept the Order of Compliance.

With a second made by Mr. Davis

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Requests for Order Modification

Kimberly Neal, CRT License #788

Ms. Neal attended the meeting by phone call to speak to the Board.

Ms. Fine informed the Board that this is a request to modify the previously-issued 2016 Board Order to change the peer assistance program requirement from TNPAP to TMF.

The Board discussed with Ms. Neal her intent to apply for license reinstatement - as her license is currently in an expired status - once the requirements of the previously-issued Order have been completed.

Ms. Fine reviewed options the Board has available to them in this matter and presented a proposed modified order.

A motion was made by Mr. Farmer

To approve the Order of Modification as presented by Ms. Fine with updates as discussed.

With a second made by Mr. Powell.

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Applicant Interviews/File Reviews/Waivers & Other Requests

None

CONSENT AGENDA

- Approval of August 29, 2024, Respiratory Board Meeting Minutes
- Ratification of Licensure Files
- Approval of Agreed Citations - None
- Departmental Reports
 - Administrative Office
- Notices – None

A motion was made by Mr. Rooks

To approve all items on the Consent Agenda, as presented.

With a second made by Mr. Davis

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Discuss and take action as necessary regarding Rulemaking, Rulemaking Hearings, Rule Amendments, and Policies

Review of Current Board Policies

Ms. Fine presented to the Board copies of all policies the Board has adopted over time, that are currently in effect. She informed the Board that this is a review to determine if any policies need amendments or need to be incorporated into the Board's Rules. Any policy that may incorporate discipline may need to be incorporated into the Rules.

Policy #1

Policy Statement Regarding Multi-media Classes for Continuing Education

- No changes to be made.

Policy #2

Position Statement TN Licensed RRTs as ECMO Specialists

- No changes to be made.

Policy #3

Position Statement Administration of Influenza, Pneumococcal, and Covid-19 vaccines

- Mr. Powell will work to prepare proposed language to update the policy to include the RSV vaccine to be presented at the next meeting of the Board.

Policy #4

Position Statement Regarding RRT's Providing IV Care to Pediatric Patients During Transport

- Ms. Christmon will work to research and determine if updates need to be made to the policy to be presented at the next meeting of the Board.

Policy #5

Policy Statement on Applicants Who Have Stale Misdemeanor Convictions

- No changes to be made.

Policy #6

Position Statement on Retention of ABG Endorsement When Upgrading from CRT to RRT

A motion was made by Ms. Christmon

To remove the *Position Statement on Retention of ABG Endorsement When Upgrading from CRT to RRT*.

With a second made by Mr. Rooks.

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Policy #7

Position Statement Recommended Minimum Standards for Ventilator Care in Rehabilitation Facilities

A motion was made by Mr. Farmer to change the title to *Recommended Minimum Standards for Ventilator Care in Healthcare Facilities*, and the last sentence to change to “*The Board of Respiratory Care supports the creation and adoption of the following minimum standards for ventilator services in health care facilities.*”

With a second by Mr. Powell.

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Policy #8

Policy Statement on Continuing Education Deficiencies

- This is being updated by the HRB and a new policy for all Boards is expected.
- No changes to be made at this time.

Policy #9

Position Statement Concurrent Therapy

- Mr. Farmer will work to research the AARC guidelines and the need for the JCAHO reference and determine if updates need to be made to the policy to be presented at the next meeting of the Board.

Policy #10

Renewal for Licensees Called to Active Military Duty

- This is an HRB policy for all Boards.
- No changes to be made.

Policy #11

Respiratory Care Practitioners Administering Conscious Sedation

- No changes to be made.

Policy #12

Policy Statement Lapsed License Policy

- This is being updated by the HRB and a new policy for all Boards is expected.
- No changes to be made at this time.

Policy #13

Statute Change Regarding Release of Medical Records

- No changes to be made.

Conference/Event Reports and Upcoming Events Review

TSRC, Gatlinburg, 03/20/25 – 03/21/25

The Board may vote to sponsor no more than three (3) attendees at any event. Those board-sponsored attendees are expected to provide a brief report of any significant items and information gathered at the event that would be of interest to the Board.

Attendees:

1. Ray Davis
2. Curtis Powell

A motion was made by Mr. Farmer

To sponsor attendance at the TSRC event by Mr. Davis and Mr. Powell.

With a second made by Ms. Christmon

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Ms. Christmon gave a brief summary of her experience attending the AARC Summer Forum.

Discuss Old/New Board Business

New Business - Inquiry from Board Member regarding CRT licensure

Ms. Fine informed the Board that Dr. Mack has requested to make a statement to the Board and noted that the changes he is proposing would require a legislative change. She reminded the Board that they, as a whole, cannot lobby the legislature.

Dr. Mack stated that he's changed his mind about his statement, however, went on to say that the "advanced licensure exam" and "entry level exam" no longer exists and his belief that the Rules need to be updated to reflect the new names. He stated that individuals take the same exam and a low cut score is a CRT and a high cut score is an RRT. The NBRC is no longer going to offer the CSE in 2027 and will be offering a different exam called the Respiratory Therapy Exam.

He thinks it's redundant to have a CRT credential when there is no longer CRT schools. And in his personal and professional opinion the CRT credential should be eliminated.

Ms. Fine said she'd review the exam language in the Rules to see if it needs to be updated or changed at a future meeting.

Election of Officers

The Board's statutes require an annual election for Board officers. The current officers are:

- Chair: Mr. Robert Farmer
- Secretary: Mr. Ray Davis

A motion was made by Dr. Mack

To appoint officers including,

- Chair: Farmer
- Secretary: Davis

With a second made by Ms. Christmon

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Review of Correspondence

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

Adjourn

There being no further business to be heard, a motion was made by Dr. Mack to adjourn.

A second was made by Mr. Powell

Discussion: None OR As Follows

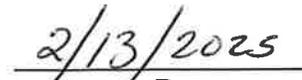
The motion passed unanimously by voice vote.

The meeting adjourned at 12:45pm CST.

These Minutes were ratified by the Board on February 13, 2025.



Board Chair



Date

ATTACHMENTS TO BOARD MINUTES

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:	)	BEFORE THE TENNESSEE
	)	BOARD OF RESPIRATORY CARE
ERIC HAYWARD, RRT)	
RESPONDENT	)	DOCKET NUMBER: 17.47-244043A
)	
SOUTHAVEN, MISSISSIPPI)	
TENNESSEE LICENSE NO.: 7623)	

FINAL ORDER

This matter came to be heard before the Tennessee Board of Respiratory Care (hereinafter the “Board”) on November 7, 2024, pursuant to a Notice of Charges and Memorandum for Assessment of Civil Penalties issued against Respondent. Presiding at the hearing was an Administrative Law Judge, assigned by the Secretary of State. The Division of Health-Related Boards of the Tennessee Department of Health was represented by Regan Cothron Esq. Respondent, Eric Hayward, RRT, (hereinafter “Respondent”) was a pro se litigant. After consideration of the Notice of Charges, the evidence presented by both parties, and the record as a whole, the Board finds as follows:

I. FINDINGS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Board as a licensed registered respiratory therapist in the State of Tennessee, having been granted Tennessee respiratory care license number 7623 by the Board on December 15, 2019, which has a current expiration date of August 31, 2025.
2. On or about December 19, 2022 through on or about March 25, 2023 Respondent was

employed through Maxim Healthcare Staffing at Jackson Madison General on a twelve (12) week travel contract. Respondent was to begin a new contract on April 3, 2023 which was to last until April 13, 2023.

3. Respondent was not scheduled to work at Jackson Madison General from March 25, 2023 through April 3, 2023.
4. On March 29, 2023, March 30, 2023, and March 31, 2023 Respondent's Kronos report fraudulently showed that he worked three (3) days at the facility even though he did not work on those dates and, in fact, Respondent was scheduled to be off during that time.
5. Respondent fraudulently changed his time in the Kronos System stating that he worked on March 29, 2023, March 30, 2023 and March 31, 2023.

II. CONCLUSIONS OF LAW

6. The findings of fact in Section I, paragraphs two (2) through five (5), *supra*, constitute grounds for disciplinary action against Respondent's license to practice as a respiratory therapist in the State of Tennessee pursuant to Tenn. Code Ann. § 63-27-112(a)(2) which authorizes disciplinary action against a Respondent who has engaged in immoral, unethical, unprofessional or dishonorable conduct.
7. The findings of fact in Section I, paragraph two (2) through five (5), *supra*, constitute grounds for disciplinary action against Respondent's license to practice as a respiratory therapist in the State of Tennessee pursuant to Tenn. Code Ann. § 63-27-112(a)(9):

Making false statements or representations or being guilty of fraud or deceit in the practice of respiratory care.

III. POLICY STATEMENT

The Tennessee Board of Respiratory Care takes the following action in order to protect the health, safety and welfare of the people of the State of Tennessee and ensure that the public confidence in the integrity of the respiratory therapy profession is preserved.

IV. ORDER

NOW THEREFORE, the Board orders the following:

8. The Tennessee respiratory therapy license of Eric Hayward, RRT, license number 7623, is hereby **REPRIMANDED** effective from the date of entry of this Order.
9. Respondent is assessed and must pay, pursuant to Tenn. Code Ann. § 63-27-112(b) and Tenn. Comp. R. & Regs. 1330-01-.15, **Two Type B civil penalties in the amount of Five Hundred Dollars (\$500.00)** for each of the two grounds for discipline stated above, for a total penalty of **One Thousand Dollars (\$1,000.00)**. All civil penalties shall be paid in full within twelve (12) months from entry of this Consent Order.
10. Respondent must pay, pursuant to Tenn. Code Ann. § 63-1-144 and Tenn. Comp. R. & Regs. 1330-01-.15, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Division. The maximum amount for the assessment of costs shall be Ten Thousand Dollars (\$10,000.00)

and shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs.

11. Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or a similar agency to comply with all of the public reporting obligations of the Health-Care Consumer Right to Know Act of 1998 (Tenn. Code Ann. §§ 63-51-101, *et seq.*).

V. APPROVAL BY THE BOARD

This **FINAL ORDER** was approved by a majority of a quorum of the Tennessee Board of Respiratory Care at a public meeting of the Board and signed this 7th day of November, 2024.



President/Chairperson
Tennessee Board of Respiratory Care

RECONSIDERATION, ADMINISTRATIVE RELIEF, AND JUDICIAL REVIEW

Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, the petition is deemed denied. Tenn. Code Ann. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. Tenn. Code Ann. § 4-5-316.

Finally, a party may seek judicial review by filing, within sixty (60) days after the effective date of the Final Order, a petition for review in the Chancery Court nearest to the party's place of residence or alternatively, at the party's discretion, in the Chancery Court nearest to the place where the cause of action arose, or in the Chancery Court of Davidson County. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. Tenn. Code Ann. § 4-5-322

Respectfully submitted:

Regan Cothron

Regan Cothron (B.P.R. # 018974)
Associate General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of this document has been served upon Respondent by delivering same in the United States Mail, Certified Number *9589 0710 5270 0707 9326 18, 9589 0710 5270 0998 1055 55* and *9589 0710 5270 2144 0793 14*, return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination and via email to:

Eric Dewayne Hayward, RRT
5915 Shiloh Lane
Southaven, MS 38672
Email: ehayward22@icloud.com

AND

Eric Dewayne Hayward, RRT
Regional One Trauma Center
877 Jefferson Avenue, 4th Floor
Memphis, Tennessee 38103
ehayward@regionalonehealth.org

AND

Eric Dewayne Hayward, RRT
42 Williams Drive
Lyons, MS 38645

This 8th day of November, 2024.



Regan Cothron
Associate General Counsel

TN SOS-APD Thu, Nov 07, 2024 01:25 PM : 7 of 7 pages filed

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:	)	BEFORE THE TENNESSEE
	)	BOARD OF RESPIRATORY CARE
GERALD MOORE, RRT)	
RESPONDENT	)	CASE NUMBER: 2024010971
)	
)	
CORDOVA, TENNESSEE)	
TENNESSEE LICENSE NO. 3686)	

CONSENT ORDER

Comes now the Division of Health Related Boards of the Tennessee Department of Health (the "Division"), by and through the Office of General Counsel, and Respondent Gerald Moore, RRT ("Respondent"), who would move the Tennessee Board of Respiratory Care (the "Board") for approval of this Consent Order affecting Respondent's respiratory care license in the State of Tennessee.

The Board is responsible for the regulation and supervision of respiratory therapists licensed to practice in the State of Tennessee. *See* Tennessee Respiratory Care Practitioner Act, Tenn. Code Ann. § 63-27-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of respiratory care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Respiratory Care Practitioner Act in such a manner as to promote and protect public health, safety, and welfare in every practicable way, including disciplining respiratory therapists who violate the provisions of Tenn. Code Ann. § 63-27-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the *Official Compilation Rules and Regulations of the State of Tennessee* (hereinafter "Tenn. Comp. R. & Regs.").

Respondent, by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions, and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank and/ or a similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto registered by the Board as a Registered Respiratory Therapist (hereinafter "RRT") in Tennessee, having been first granted Tennessee license number 3686 by the Board on April 5, 2005, which has a current expiration date of June 30, 2025.
2. From approximately July 2023 to March 2024, Respondent unknowingly and inadvertently worked as an RRT while his respiratory care license was expired.
3. On March 11, 2024, respondent submitted a reinstatement application for his RRT license.

4. On that application, Respondent admitted that he did not timely renew his license.
5. Respondent's license was reinstated March, 2024.
6. Therefore, Respondent practiced on an expired/lapsed Respiratory Care license for eight (8) months.

II. GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's respiratory care license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Respiratory Care Practitioner Act, (Tenn. Code Ann. § 63-27-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

7. The facts stipulated in paragraphs two (2) through six (6) constitute a violation of Tenn. Code Ann. § 63-27-112(a)(2) which states:

Immoral, unethical, unprofessional or dishonorable conduct.

8. The facts stipulated in paragraphs two (2) through six (6) constitute a violation of Tenn. Code Ann. § 63-27-112(a)(5) which states:

Violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board or any criminal statute of this state.

9. The facts stipulated in paragraphs two (2) through six (6) constitute a violation of Tenn. Code Ann. §63-27-109 (d) which states:

When any such person shall fail to renew that person's license and pay the renewal fee after renewal becomes due, the license of such person shall be automatically revoked without further notice or hearing unless renewal is made and all fees paid prior to the expiration of sixty (60) days from the date such renewal becomes due.

10. The facts stipulated in paragraphs two (2) through six (6) constitute a violation of Tennessee Board of Respiratory Care's Statement on Lapsed License Policy (Ratified February 11, 2016) which states:

If the licensee refuses to execute the Agreed Citation and/or remit the civil penalty described therein within sixty (60) days of the date the Agreed Citation is sent to the licensee, or if the licensee practiced on a lapsed license for six (6) months or longer, the licensee shall be referred to the Office of Investigations and Office of General Counsel for formal disciplinary action. Upon a proven violation, the minimum disciplinary action for this violation shall be:

- A. A formal and reportable Reprimand on the license;
- B. Assessment of civil penalties in an amount to exceed \$100 per month for every month in which the individual has worked at least one day beyond the thirty (30) calendar day grace period;
- C. Assessment of costs associated with investigating and prosecuting the matter; and
- D. Any and all other remedies the Board deems appropriate.

III. POLICY STATEMENT

The Tennessee Board of Respiratory Care takes this action in order to protect the health, safety, and welfare of the citizens of the State of Tennessee.

IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

11. The Tennessee respiratory care license of Gerald Moore, RRT, license number 3686, is hereby **REPRIMANDED** effective from the date of entry of this Consent Order.
12. Respondent is assessed and must pay, pursuant to Tenn. Code Ann. § 63-5-124(a) and Tenn. Comp. R. & Regs. 0460-01-.06(4), eight (8) Type “C” Civil Penalties, representative of the eight (8) months of unlicensed practice. These Civil Penalties shall be in the amount of one hundred dollars (\$100.00) each, for a total Civil Penalty of **eight hundred dollars (\$800.00)**.
13. Respondent must pay, pursuant to Tenn. Code Ann. § 63-1-144, § 63-5-124(e), and Tenn. Comp. R. & Regs. 0460-01-.06(6), the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division’s Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Division. The maximum amount for the assessment of costs shall be three thousand dollars (\$3,000.00).
14. Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or a similar agency to comply with all of the public reporting obligations of the Health-Care Consumer Right to Know Act of 1998 (Tenn. Code Ann. §§ 63-51-101, *et seq.*).
15. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

IV. NOTICE

16. Any and all civil penalties shall be **paid in full within twelve (12) months** from the issuance of the Assessment of Costs. Payment shall be made by **certified check, cashier's check, or money order**, payable to the **State of Tennessee**, Department of Health by mail. All disciplinary terms submitted, including CEs, Civil penalties and/or Cost payments, must include **Gerald Moore, RRT, Case No. 2024010971** on the instrument. All payments can be mailed or delivered to:

**Office of General Counsel
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

17. A violation of this Consent Order shall constitute a separate violation, pursuant to Tenn. Code Ann. § 63-5-124, and Tenn. Comp. R. and Regs. 0460-01-.12(16) and is grounds for further disciplinary action by the Board, including suspension or revocation of Respondent's license.

V. APPROVAL BY THE BOARD

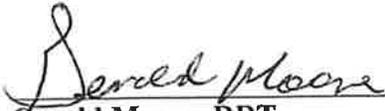
This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Respiratory Care at a public meeting of the Board and signed this 7th day of November, 2024



President/Chairperson
Tennessee Board of Respiratory Care

Gerald Moore, RRT
Case No. 2024010971
Consent Order

APPROVED FOR ENTRY:



Gerald Moore, RRT

License No. 3686

Respondent

9735 Woodland Brook Lane, S.

Cordova, Tennessee 38018

Email: 1moorevictory@gmail.com

10/9/24
Date



Regan Cothron (BPR #018974)

Associate General Counsel

Office of General Counsel

Tennessee Department of Health

665 Mainstream Drive, 2nd Floor

Nashville, Tennessee 37243

Office: (615) 741-1611

Fax: (615) 532-3386 or (615) 532-7749

Email: Regan.L.Cothon@tn.gov

10/14/24
Date

Gerald Moore, RRT
Case No. 2024010971
Consent Order

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of this document has been served upon Respondent by delivering same in the United States Mail, Certified Number **9589 0710 5270 1534 5569 23** return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination and via email to:

Gerald Moore, RRT
9735 Woodland Brook Lane, S.
Cordova, Tennessee 38018
Email: imoorevictory@gmail.com

This 8th day of November, 2024.



Regan L. Cothron
Associate General Counsel
Tennessee Department of Health

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:	)	BEFORE THE TENNESSEE BOARD
	)	OF RESPIRATORY CARE
ANTHONY SCOTT TURNER, RRT)	
RESPONDENT	)	CASE NO: 2024015671
)	
NASHVILLE, TENNESSEE)	
TENNESSEE LICENSE NO. 6453)	

CONSENT ORDER

Comes now the Division of Health Related Boards of the Tennessee Department of Health (the "Division"), by and through the Office of General Counsel, and Respondent Anthony Scott Turner, R.R.T. ("Respondent"), who would move the Tennessee Board of Respiratory Care (the "Board") for approval of this Consent Order affecting Respondent's respiratory care license in the State of Tennessee.

The Board is responsible for the regulation and supervision of respiratory therapists licensed to practice in the State of Tennessee. *See Tennessee Respiratory Care Practitioner Act, Tenn. Code Ann. § 63-27-101, et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of respiratory care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Respiratory Care Practitioner Act in such a manner as to promote and protect public health, safety, and welfare in every practicable way, including disciplining respiratory therapists who violate the provisions of Tenn. Code Ann. § 63-27-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the *Official Compilation Rules and Regulations of the State of Tennessee* (hereinafter "Tenn. Comp. R. & Regs.").

Respondent, by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions, and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank and/ or a similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Tennessee Board of Respiratory Therapists (the "Board"), as a Respiratory Care Therapist in Tennessee, having been first granted Tennessee Respiratory Care license number 6453 by the Board on February 17, 2016, which has a current expiration date of April 30, 2026.
2. For the January through December 2020 continuing education cycle, Respondent submitted zero (0) of the required twelve (12) hours, including one (1) hour of patient

safety as defined by the Joint Accreditation Commission and one (1) hour of a course focused on the professional or ethical standards required of respiratory therapists.

3. Therefore, Respondent was deficient in his continuing education hours for the January through December 2020 renewal cycle by twelve (12) hours.
4. On January 30, 2024, the Department mailed Respondent a letter to his current address on file advising Respondent of this non-compliance with the continuing education hours for the January through December 2020 renewal cycle. Respondent was advised to make up the deficient hours within ninety (90) days of notification from the Board **in addition to a penalty of an additional five (5) continuing education hours related to the practice of respiratory care.** An Agreed Citation was included as a proposed means of resolving the matter regarding his deficient continuing education hours and it included a fine of three hundred dollars (\$300.00) to be paid within thirty (30) days of notification from the Board. The notice gave Respondent thirty (30) days to contact the Department regarding the matter.
5. Respondent never responded to the Department's January 30, 2024 notice.
6. After the thirty (30) day period lapsed, the Department opened an investigation against Respondent regarding his failure to comply with the State laws, rules, and policies governing the continuing education hour requirements for respiratory therapists.

II. GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's respiratory care license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Respiratory Care Practitioner Act,

(Tenn. Code Ann. § 63-27-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

7. The facts stipulated in paragraphs two (2) and three (3) constitute a violation of Tenn. Code Ann. § 63-27-112(a)(11), which states:

Any other unprofessional or unethical conduct specified in the rules of the board.

8. The facts stipulated in paragraphs two (2) and three (3) constitute a violation of Tenn. Code Ann. § 63-27-109(a), which states:

Every licensed respiratory care practitioner shall obtain, during each calendar year, at least ten (10) hours of continuing professional respiratory care education that meets the guidelines established for such continuing education by the rules of the board. Each licensed practitioner shall maintain written proof of obtaining such continuing education for a period of at least three (3) years and shall, upon request, make such proof available to the board or the division.

9. The facts stipulated in paragraphs two (2) and three (3) constitute a violation of Tenn. Comp. R. and Regs. 1330-01-.12(1)(a), which states:

Each therapist and assistant licensed by the Board must complete twelve (12) hours of approved continuing education every calendar year.

1. At least five (5) of those twelve (12) hours must pertain to the clinical practice of respiratory care or to research relating to the cardiopulmonary system.
2. At least one (1) of those twelve (12) hours must pertain to patient safety as defined by the T.J.C.
3. At least one (1) of those twelve (12) hours must be a course focused on the professional or ethical standards required of respiratory therapists by their governing rules and statutes.
4. The remaining five (5) hours may pertain to, among other topics, education or management.

III. POLICY STATEMENT

The Tennessee Board of Respiratory Care takes this action in order to protect the health, safety, and welfare of the citizens of the State of Tennessee.

IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

10. The Tennessee respiratory license of Anthony Scott Turner, license number 6453, is hereby **REPRIMANDED** effective from the date of entry of this Consent Order.
11. Respondent shall be required to obtain twelve (12) hours of continuing education for the 2020 CE cycle. The respondent shall also be required to obtain an additional five (5) hours of continuing education. These hours shall be done within 90 (ninety) days of the entry of this order.
12. Respondent is assessed and must pay, pursuant to Tenn. Code Ann. § 63-5-124(a) and Tenn. Comp. R. & Regs. 0460-01-.06(4), one Type C civil penalties in the amount of three hundred dollars (\$300.00) representative of the twelve (12) hours of continuing education hours Respondent failed to complete. All civil penalties shall be paid in full within twelve (12) months from entry of this Consent Order.
13. Respondent must pay, pursuant to Tenn. Code Ann. § 63-1-144, § 63-5-124(e), and Tenn. Comp. R. & Regs. 0460-01-.06(6), the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel

for the Division. The maximum amount for the assessment of costs shall be three thousand dollars (\$3,000.00) and shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs.

14. Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or a similar agency to comply with all of the public reporting obligations of the Health-Care Consumer Right to Know Act of 1998 (Tenn. Code Ann. §§ 63-51-101, *et seq.*).
15. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

IV. NOTICE

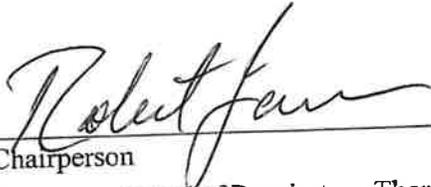
16. Any and all costs shall be **paid in full within twelve (12) months** from the issuance of the Assessment of Costs. Payment shall be made by **certified check, cashier's check, or money order**, payable to the **State of Tennessee**, Department of Health by mail. Payment by personal or business check will not be accepted. All disciplinary terms submitted, including continuing education course credits, civil penalties and/or cost payments, must include **Anthony Scott Turner, RRT Case No. 2024015671** on the instrument. All payments can be mailed or delivered to:

**Office of General Counsel
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

17. A violation of this Consent Order shall constitute a separate violation, pursuant to Tenn. Code Ann. § 63-5-124, and Tenn. Comp. R. and Regs. 0460-01-.12(16) and is grounds for further disciplinary action by the Board, including suspension or revocation of Respondent's license.

VI. APPROVAL BY THE BOARD

This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Respiratory Therapists at a public meeting of the Board and signed this 7th day of November, 2024.



Chairperson
Tennessee Board of Respiratory Therapists

APPROVED FOR ENTRY:



Anthony Scott Turner

License No. 6453

Respondent

235 Rigney Drive

Manchester, Tennessee 37355

Email: tony.turner1964@outlook.com

8/27/24

Date



Regan Cothron (BPR #018974)

Associate General Counsel

Office of General Counsel

Tennessee Department of Health

665 Mainstream Drive, 2nd Floor

Nashville, Tennessee 37243

Office: (615) 741-1611

Fax: (615) 532-3386 or (615) 532-7749

Email: Regan.L.Cothon@tn.gov

9/4/24

Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of this document has been served upon Respondent by delivering same in the United States Mail, Certified Number **9589 0710 5270 1534 5569 30** return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination and via email to:

Anthony Scott Turner, RRT
235 Rigney Drive, Manchester
Manchester, Tennessee 37355
Email: tony.turner1964@outlook.com

This 8th day of November, 2024.



Regan L. Cothron
Associate General Counsel
Tennessee Department of Health

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:	)	BEFORE THE TENNESSEE
	)	BOARD OF RESPIRATORY CARE
DAWN RENEE WEST, CRT)	
RESPONDENT	)	CASE NUMBER: 2024008841
)	
)	
ONEIDA, TENNESSEE)	
TENNESSEE LICENSE NO. 4898)	

CONSENT ORDER

Comes now the Division of Health Related Boards of the Tennessee Department of Health (the "Division"), by and through the Office of General Counsel, and Respondent Dawn Renee West, CRT ("Respondent"), who would move the Tennessee Board of Respiratory Care (the "Board") for approval of this Consent Order affecting Respondent's respiratory care license in the State of Tennessee.

The Board is responsible for the regulation and supervision of respiratory therapists licensed to practice in the State of Tennessee. *See* Tennessee Respiratory Care Practitioner Act, Tenn. Code Ann. § 63-27-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of respiratory care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Respiratory Care Practitioner Act in such a manner as to promote and protect public health, safety, and welfare in every practicable way, including disciplining respiratory therapists who violate the provisions of Tenn. Code Ann. § 63-27-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the *Official Compilation Rules and Regulations of the State of Tennessee* (hereinafter "Tenn. Comp. R. & Regs.").

Respondent, by her signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions, and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank and/ or a similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto registered by the Board as a licensed Respiratory Therapist (hereinafter "CRT") in Tennessee, having been first granted Tennessee license number 4898 by the Board on September 8, 2006, which has a current expiration date of October 31, 2025.
2. On March 7, 2024, Respondent was terminated from her employment as a respiratory therapist at Buckeye Home Medical due to increased patient complaints and Respondent's refusal to perform quality customer service.

3. On March 7, 2024, Respondent posted on social media and listed patient names, in direct violation of the Health Insurance Portability and Accountability Act (“HIPAA”).
4. Respondent has admitted that her social media post was a HIPAA violation.
5. Respondent is currently not practicing as a respiratory therapist, however her license is still active.

II. GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent’s respiratory care license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Respiratory Care Practitioner Act, (Tenn. Code Ann. § 63-27-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

6. The facts stipulated in paragraphs two (2) through five (5) constitute a violation of Tenn. Code Ann. § 63-27-112(a)(2) which states:

Immoral, unethical, unprofessional or dishonorable conduct.

7. The facts stipulated in paragraphs two (2) through five (5) constitute a violation of Tenn. Code Ann. § 63-27-112(a)(5) which states:

Violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board or any criminal statute of this state.

8. The facts stipulated in paragraphs two (2) through five (5) constitute a violation of Tenn. Code Ann. § 63-27-112(a)(11) which states:

Any other unprofessional or unethical conduct specified in the rules of the board.

III. POLICY STATEMENT

The Tennessee Board of Respiratory Care takes this action in order to protect the health, safety, and welfare of the citizens of the State of Tennessee.

IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

9. The Tennessee respiratory care license of Dawn West, CRT, license number 4898, is hereby **REPRIMANDED** effective from the date of entry of this Consent Order.
10. Withing four (4) months from the date of entry of this consent order, Respondent must complete four (4) hours of coursework regarding ethics and HIPAA training, and provide proof of completion of the coursework to the Disciplinary Coordinator, by email at Disciplinary.Coordinator@tn.gov, or mail at **The Division of Health Related Departments, Tennessee Department of Health, 665 Mainstream Drive, Nashville, Tennessee 37243**. The four (4) hours shall be in addition to those required to maintain licensure.
11. Respondent is assessed and must pay, pursuant to Tenn. Code Ann. § 63-5-124(a) and Tenn. Comp. R. & Regs. 0460-01-.06(4), three Type B civil penalties in the amount of Two Hundred Dollars (\$200.00) each, representing the violations of law *supra*, for a total civil penalty of Six Hundred Dollars (\$600.00)..

12. Respondent must pay, pursuant to Tenn. Code Ann. § 63-1-144, § 63-5-124(e), and Tenn. Comp. R. & Regs. 0460-01-.06(6), the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Division. The maximum amount for the assessment of costs shall be three thousand dollars (\$3,000.00).
13. Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or a similar agency to comply with all of the public reporting obligations of the Health-Care Consumer Right to Know Act of 1998 (Tenn. Code Ann. §§ 63-51-101, *et seq.*).
14. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

IV. NOTICE

15. Any and all civil penalties shall be **paid in full within twelve (12) months** from the issuance of the Assessment of Costs. Payment shall be made by **certified check, cashier's check, or money order**, payable to the **State of Tennessee**, Department of Health by mail. All disciplinary terms submitted, including CEs, Civil penalties and/or Cost payments, must include **Dawn Renee West, CRT, Case No. 2024008841** on the instrument. All payments can be mailed or delivered to:

**Office of General Counsel
Attn: Disciplinary Coordinator
Tennessee Department of Health**

**665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

16. A violation of this Consent Order shall constitute a separate violation, pursuant to Tenn. Code Ann. § 63-5-124, and Tenn. Comp. R. and Regs. 0460-01-.12(16) and is grounds for further disciplinary action by the Board, including suspension or revocation of Respondent's license.

V. APPROVAL BY THE BOARD

This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Respiratory Care at a public meeting of the Board and signed this 7th day of November, 2024.



President/Chairperson
Tennessee Board of Respiratory Care

Dawn West, CRT
Case No. 2024008841
Consent Order

APPROVED FOR ENTRY:



Dawn Renee West, CRT
License No. 4898
Respondent
1151 Sandcut Road
Oneida, Tennessee 37841
Email: donnie_rae@yahoo.com

10/9/2024
Date



Regan Cothron (BPR #018974)
Associate General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
Office: (615) 741-1611
Fax: (615) 532-3386 or (615) 532-7749
Email: Regan.L.Cothon@tn.gov

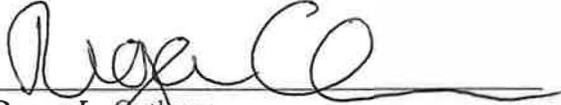
10/14/24
Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of this document has been served upon Respondent by delivering same in the United States Mail, Certified Number ~~9589~~ 0710 5270 1534 5569 47 return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination and via email to:

Dawn Renee West, CRT
1151 Sandcut Road
Oneida, Tennessee 37841
Email: donnie_rae@yahoo.com

This 7th day of November, 2024


Regan L. Cothron
Associate General Counsel
Tennessee Department of Health

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:	)	BEFORE THE TENNESSEE
	)	BOARD OF RESPIRATORY CARE
JACQUELYN DENAE WATSON, RRT)	
RESPONDENT)	
	)	CASE NUMBER: 2024015651
MEMPHIS, TENNESSEE)	
TENNESSEE LICENSE NO. 7594)	

CONSENT ORDER

Come now the Division of Health-Related Boards of the Tennessee Department of Health (hereinafter the “Division”), by and through the Office of General Counsel, and Respondent, Jacquelyn Denae Watson, RRT, (hereinafter “Respondent”), and respectfully move the Tennessee Board of Respiratory Care (hereinafter the “Board”) for approval of this Consent Order affecting Respondent’s license to practice as a licensed registered respiratory therapist (hereinafter “RRT”)in the State of Tennessee.

The Board is responsible for the regulation and supervision of respiratory care practitioner’s licensed to practice in the State of Tennessee. *See* Tennessee Respiratory Care Practitioner Act (hereinafter the “Practice Act”), Tennessee Code Annotated Section (hereinafter “Tenn. Code Ann. §”) 63-27-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of respiratory care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Practice Act in such a manner as to promote and protect the health, safety and welfare of the citizens of the State of Tennessee, including by disciplining licensed respiratory care practitioners who violate the provisions of Tenn. Code Ann. § 63-27-101, *et seq.*, the General Rules and Regulations Governing Respiratory Care Practitioners promulgated by the Board and recorded in the *Official Compilation*

Rules and Regulations of the State of Tennessee (hereinafter “Tenn. Comp. R. & Regs.”) located at Tenn. Comp. R. & Regs. Chapter 1330-01, *et seq.*

Respondent, Jacquelyn Denae Watson, RRT, by her signature to this Consent Order, waives the right to a contested case hearing and any and all right to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Board as a licensed registered respiratory therapist (hereinafter “RRT”) in the State of Tennessee, having been granted license number 7594 by the Board on October 21, 2019, which currently has an expiration date of November 30, 2024.

2. For the 2021 continuing education cycle, Respondent was required to provide the Department proof of successful completion of twelve (12) hours of continuing education in courses approved by the Board, with at least one (1) hour in patient safety as defined by the Joint Commission, and at least one (1) hour in professional or ethical standards for respiratory therapists.
3. For the 2021 continuing education cycle, Respondent only submitted one (1) of the required twelve (12) hours of continuing education required for a licensed respiratory care practitioner.
4. On January 30, 2024, the Department mailed a letter to Respondent's current address on file advising Respondent of this non-compliance with the continuing education hours for the 2021 audit cycle. Respondent was advised to make up the deficient hours within ninety (90) days of notification from the Board. An Agreed Citation was included as a proposed means of resolving the matter regarding Respondent's deficient continuing education hours and it included a fine of three hundred dollars (\$300.00) to be paid within ninety (90) days of notification from the Board. The notice advised that Respondent must complete eleven (11) hours of continuing education for the 2021 cycle, including one (1) hour of patient safety as defined by the Joint Accreditation Commission and one (1) hour of a course focused on the professional or ethical standards required of respiratory therapists. Furthermore, Respondent was also required to complete an additional five (5) continuing education hours related to the practice of respiratory care either before ratification or within ninety (90) days of ratification of this citation by the Board, in addition to the deficient hours. The notice gave Respondent thirty (30) days to contact the Department regarding the matter.

5. Since Respondent did not provide proof of completion of continuing education credits in response to the Department's January 30, 2024, letter, Respondent is deficient eleven (11) hours for the 2021 continuing education cycle, including one (1) hour of patient safety as defined by the Joint Accreditation Commission and one (1) hour of a course focused on the professional or ethical standards required of respiratory therapists.

II. GROUNDS FOR DISCIPLINE

The facts stipulated in the Stipulations of Fact, *supra*, are sufficient to establish grounds to discipline Respondent's license to practice as a respiratory care practitioner. Specifically, Respondent has violated the following statute and rule which are part of the Tennessee Respiratory Care Practitioner Act, (Tenn. Code Ann. § 63-27-101, *et seq.*) and the Rules and Regulations promulgated by the Board and recorded in the General Rules and Regulations Governing Respiratory Care Practitioners (Tenn. Comp. R. & Regs. Chapter 1330-01, *et seq.*), for which disciplinary action before and by the Board is authorized:

6. The facts as stipulated to in paragraphs two (2) through five (5) *supra*, constitutes a violation of Tenn. Code Ann. § 63-27-112(a)(2), which authorizes discipline of a licensed respiratory care practitioner for:

Immoral, unethical, unprofessional or dishonorable conduct.

7. The facts as stipulated to in paragraphs two (2) through five (5) *supra*, constitutes a violation of Tenn. Code Ann. § 63-27-112(a)(5), which authorizes discipline of a licensed respiratory care practitioner for:

Violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board or any criminal statute of this state.

8. The facts as stipulated to in paragraphs two (2) through five (5) *supra*, constitutes a violation of Tenn. Code Ann. § 63-27-112(a)(11), which authorizes discipline of a licensed respiratory care practitioner for:

Any other unprofessional or unethical conduct specified in the rules of the board.

9. The facts as stipulated to in paragraphs two (2) through five (5) *supra*, constitutes a violation of Tenn. Code Ann. § 63-27-109(a), which authorizes discipline of a licensed respiratory care practitioner for:

Every licensed respiratory care practitioner shall obtain, during each calendar year, at least ten (10) hours of continuing professional respiratory care education that meets the guidelines established for such continuing education by the rules of the board. Each licensed practitioner shall maintain written proof of obtaining such continuing education for a period of at least three (3) years and shall, upon request, make such proof available to the board or the division.

10. The facts as stipulated to in paragraphs two (2) through five (5) *supra*, constitutes a violation of Tenn. Comp. R. and Regs. 1330-01-.12(1)(a), which authorizes discipline of a licensed respiratory care practitioner for:

Each therapist and assistant licensed by the Board must complete twelve (12) hours of approved continuing education every calendar year.

1. At least five (5) of those twelve (12) hours must pertain to the clinical practice of respiratory care or to research relating to the cardiopulmonary system.
2. At least one (1) of those twelve (12) hours must pertain to patient safety as defined by the T.J.C. (The Joint Commission).
3. At least one (1) of those twelve (12) hours must be a course focused on the professional or ethical standards required of respiratory therapists by their governing rules and statutes.
4. The remaining five (5) hours may pertain to, among other topics, education or management.

11. The facts as stipulated to in paragraphs two (2) through five (5) *supra*, constitutes a violation of Tenn. Comp. R. and Regs. 1330-01-.12(4), which authorizes discipline of a licensed respiratory care practitioner for:

(a) Each individual must retain independent proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of three (3) years from the end of the renewal period in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process. . .

(b) If, after request by the Board during its verification process, a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the Board will request a written description of the training and how it applies to the practice of respiratory care. If the Board determines that the training cannot be considered appropriate continuing education, the individual will be given ninety (90) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.

12. The facts as stipulated to in paragraphs two (2) through five (5) *supra*, constitutes a violation of Tenn. Comp. R. and Regs. 1330-01-.12(7), which authorizes discipline of a licensed respiratory care practitioner for:

Violations - Any licensee who fails to successfully complete or who falsely certifies attendance and completion of the required hours of continuing education may be subject to disciplinary action.

- (a) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrant the intended action.
- (b) The licensee has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license.
- (c) Any licensee who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraphs (7)(a) and (7)(b) above may be subject to disciplinary action.

Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any renewal period.

13. The facts as stipulated to in paragraphs two (2) through five (5) *supra*, constitutes a violation of the Tennessee Board of Respiratory Care Policy Statement on Continuing Education Deficiencies (Ratified March 30, 2017), which authorizes discipline of a licensed respiratory care practitioner for:

A respiratory care practitioner licensed in Tennessee is required to complete twelve (12) contact hours of continuing education every calendar year. (See Tenn. Comp. R. & Regs. 1330-1-12 regarding continuing education requirements.) Prior to the institution of any disciplinary proceedings for continuing education deficiencies, a letter shall be sent from the board's administrative office to licensee's last known address of record in the board's office stating the deficiency and asking that licensee cure the deficiency within ninety (90) days from the date of notification. If the deficiency is cured within the 90 days grace period, no disciplinary action shall ensue.

Should the respiratory care practitioner fail to obtain the continuing education ("CE") hours for a calendar year after notification or fail to cure the deficiency within the allowed grace period, 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.
2. 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.
3. 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.

III. POLICY STATEMENT

The Tennessee Board of Respiratory Care takes this action in order to protect, promote, and improve the health and well-being of all people in the State of Tennessee and to ensure that the public confidence in the integrity of respiratory care practitioners is preserved. The Board recognizes that ensuring a licensed respiratory care practitioner's compliance with applicable law and ethics is crucial to achieve this goal.

IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

14. The Tennessee respiratory care practitioner's license of Jacquelyn Denae Watson, RRT, license number 7594, is hereby **REPRIMANDED** effective from the date of entry of this Consent Order.
15. Respondent is assessed and must pay, pursuant to Tenn. Code Ann. § 63-27-112 and Tenn. Comp. R. & Regs. 1330-01-.15(5), civil penalties in the amount of three hundred dollars (\$300.00) as outlined in the Tennessee Board of Respiratory Care's Policy Statement on Continuing Education Deficiencies for the eleven (11) continuing education hours Respondent failed to complete. All civil penalties shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs and Civil Penalties.

16. Within ninety (90) days of the effective date of this Order, Respondent must make up the sixteen (16) continuing education credits, which includes the deficient eleven (11) hours of continuing education hours Respondent failed to complete for the 2021 cycle, as well as the additional required five (5) hours, including one (1) hour of patient safety as defined by the Joint Accreditation Commission and one (1) hour of a course focused on the professional or ethical standards required of respiratory therapists. The continuing education requirement required by this Order is in addition to completing the continuing education hour requirement for the current year. Documented proof of the deficient hours obtained must be submitted within thirty (30) days of completion by delivering proof to: Disciplinary Coordinator, The Division of Health-Related Boards, Tennessee Department of Health, 665 Mainstream Drive, Second Floor, Nashville, Tennessee 37243 or via email to Disciplinary.Coordinator@tn.gov.
17. Respondent must pay, pursuant to Tenn. Code Ann. § 63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Division. The maximum amount for the assessment of costs shall be three thousand dollars (\$3,000.00) and shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs and Civil Penalties.
18. Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or a similar agency to comply with all of the public reporting obligations of the Health Care Consumer Right to Know Act of 1998 (Tenn. Code Ann. §§ 63-51-101, *et seq.*).

19. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

V. NOTICE

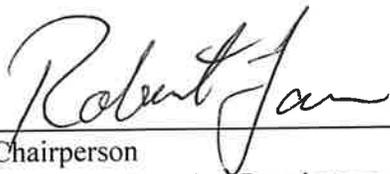
20. Any and all civil penalties and costs shall be **paid in full within twelve (12) months** from the issuance of the Assessment of Costs and Civil Penalties. Payment shall be made by **certified check, cashier's check, or money order**, payable to the **State of Tennessee**, Department of Health by mail. All disciplinary terms submitted, including continuing education course credits, civil penalties and/or cost payments, must include **Jacquelyn Denae Watson, RRT, Case No. 7594** on the instrument. All payments can be mailed or delivered to:

**Office of General Counsel
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

21. A violation of this Consent Order shall constitute a separate violation, pursuant to Tenn. Code Ann. § 63-27-112(5) and is grounds for further disciplinary action by the Board, including suspension or revocation of Respondent's respiratory care practitioner's license.

VI. APPROVAL BY THE BOARD

This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Respiratory Care at a public meeting of the Board and signed this 7th day of November, 2024.



Chairperson
Tennessee Board of Respiratory Care

Jacquelyn Denae Watson, RRT
Case No. 2024015651
Consent Order

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of this document has been served upon Respondent by delivering same in the United States Mail, Certified Number 9589 0710 5270 2144 0803 65 return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination and via email to:

Jacquelyn Denae Watson
3975 N. Heatherhill Drive
Bartlett, Tennessee 38135
Email: jackie.watson23@yahoo.com

This 7th day of November, 2024.



Candace M. Carter
Senior Associate General Counsel
Tennessee Department of Health

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:	)	BEFORE THE TENNESSEE BOARD
	)	OF RESPIRATORY CARE
IAN H. WEST, R.R.T.)	
RESPONDENT	)	CASE NO: 202000550
)	
KNOXVILLE, TENNESSEE)	
TENNESSEE LICENSE NO. 6322)	

ORDER OF COMPLIANCE

This cause came on to be heard on the 7th day of November, 2024, upon the Petition for Order of Compliance filed by Petitioner, Ian H. West, R.R.T., pursuant to a Consent Order entered by the Board on May 13, 2021, which placed Petitioner’s license on suspension and then probation for three (3) years and until completion of various terms. The suspension on Petitioner’s license was automatically lifted when Petitioner submitted to an evaluation by the Tennessee Professional Assistance Program (hereinafter “TnPAP”) and signed a monitoring agreement with TnPAP. Petitioner has now complied with the terms required by the May 13, 2021 Consent Order to lift the probation from his license. Specifically, Petitioner has successfully continued and completed his monitoring agreement with TnPAP, and paid all costs required by the May 13, 2021 Consent Order. Based on the petition, the Board finds that Petitioner has satisfactorily complied with the requirements of the previous order such that the probation on his license should be lifted. In accordance with the May 13, 2021 Consent Order, the probation shall be lifted from Petitioner’s license.

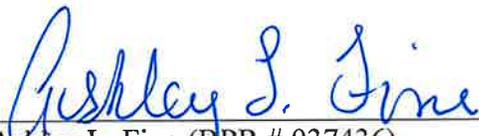
Therefore, it is **ORDERED** that the probation on Petitioner’s license to practice as a registered respiratory therapist is hereby lifted upon entry of this Order.

So **ORDERED** this the 7th day of November, 2024.



Chairman
Tennessee Board of Respiratory Care

Prepared for Entry:



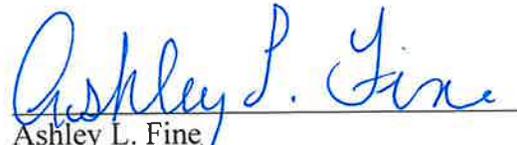
Ashley L. Fine (BPR # 037436)
Senior Associate General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

11/7/2024
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this Consent Order has been served upon Respondent, Ian West, 2508 Vucrest Avenue, Knoxville, Tennessee 37920, by delivering same in the United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination.

This 7th day of November, 2024.



Ashley L. Fine
Senior Associate General Counsel
Tennessee Department of Health

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:	)	BEFORE THE TENNESSEE BOARD
	)	OF RESPIRATORY CARE
KIMBERLY D. NEAL, C.R.T.)	
RESPONDENT	)	CASE NO: 2014003301
)	
KNOXVILLE, TENNESSEE)	
TENNESSEE LICENSE NO. 788)	

ORDER OF MODIFICATION

This matter came to be heard before the Tennessee Board of Respiratory Care (the "Board") on November 7, 2024, pursuant to a Petition for Order of Modification filed by Petitioner, Kimberly D. Neal, C.R.T. (the "Petitioner"), concerning a Consent Order that became effective on November 20, 2014, which placed Petitioner's license on suspension, and among other requirements, required her to complete a peer assistance program in paragraphs nine (9) through twelve (12), and paragraph fourteen (14) [which is incorrectly listed as paragraph eleven (11) in the November 20, 2014 Consent Order] as follows:

9. The Tennessee respiratory care license of Kimberly D. Neal, C.R.T., license number 788, is hereby placed on **SUSPENSION**, effective the date of entry of this Consent Order, for a period of not less than ninety (90) days and until Respondent has completed the requirements of paragraph ten (10) and eleven (11). Respondent must petition for an "Order of Compliance" and personally appear before the Board, for the Suspension of Respondent's license to be lifted, at which time her license will be placed on Probation.
10. During the period of suspension, Respondent shall undergo an evaluation approved by the TnPAP. If the results of the TnPAP approved evaluation recommend monitoring, then Respondent must sign a TnPAP monitoring agreement, maintain 100% compliance with its terms for the duration of the agreement, and Respondent shall maintain the advocacy of TnPAP until the completion of the monitoring agreement and any amendments thereto. If it is recommended that Respondent should enter into a monitoring contract, that contract shall be for not less than three (3) years.

11. Respondent agrees that she is required to comply with her TnPAP monitoring agreement, and she must maintain the advocacy of TnPAP until such time as TnPAP submits a report that Respondent is safe to practice respiratory care in Tennessee without continued monitoring by TnPAP.

a. During the period of time that Respondent is required to maintain the advocacy of TnPAP, she shall:

- i. Cause TnPAP to issue quarterly reports to the Board detailing Respondent's compliance with the terms of the TnPAP monitoring agreement;
- ii. Comply with all recommendations of TnPAP; and
- iii. Cause TnPAP to submit a report when and if Respondent is able to safely practice respiratory care in Tennessee without continued monitoring by TnPAP.

12. Once Respondent has obtained TnPAP advocacy and her ninety (90) day suspension period has run, Respondent becomes eligible to petition the Board for an Order of Compliance placing her license on **PROBATION** for a period of not less than five (5) years. The period of probation of Respondent's license shall run concurrent to her monitoring agreement with TnPAP, but in no event shall the period of probation be less than five (5) years. Should Respondent's monitoring agreement with TnPAP be extended, the term of probation of Respondent's license shall be extended to run concurrent with the new term of the TnPAP monitoring agreement.

14. At the expiration of the probationary period, Respondent becomes eligible to petition the Tennessee Board of Respiratory Care for an "Order of Compliance" lifting the restrictions imposed by this Consent Order.

Based on the petition and statements of Petitioner, the Board finds that Petitioner's compliance with the requirement to undergo an evaluation with the Tennessee Professional Assistance Program (TnPAP) would be impossible as the Tennessee Medical Foundation ("TMF") is now the organization responsible for peer assistance monitoring for licensees of the Board.

Therefore, it is **ORDERED** that the Board's Consent Order in the matter of Kimberly D. Neal, C.R.T., dated November 20, 2014, is hereby modified to allow Petitioner to undergo an

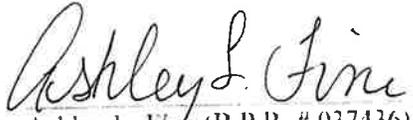
evaluation facilitated by the Tennessee Medical Foundation ("TMF") rather than by TnPAP. Paragraphs ten (10) through twelve (12) are hereby amended by replacing the "Tennessee Professional Assistance Program" and/or "TnPAP" with "Tennessee Medical Foundation" and "TMF." The November 20, 2014 Consent Order is further amended to reflect that TMF must find the Petitioner is safe to return to practice without continued monitoring by TMF before Petitioner may file a Petition for an Order of Compliance with the Board. Because Petitioner's license is currently expired, Paragraph nine (9) is hereby amended to reflect that Petitioner must file said Petition for an Order of Compliance in accordance with Rule 1330-01-.15, and Petitioner may contemporaneously file an Application for Reinstatement of Petitioner's license. At the time that the Board considers Petitioner's Petition for an Order of Compliance, the Board may also consider Petitioner's Application for Reinstatement, including whether any additional conditions will be placed on Petitioner's license.

All remaining requirements of the November 20, 2014 Consent Order shall remain in full force and effect.

So **ORDERED** by the Tennessee Board of Respiratory Care, this 7th day of November, 2024.


Chairperson
Tennessee Board of Respiratory Care

PREPARED FOR ENTRY:



Ashley L. Fine (B.P.R. # 037436)
Senior Associate General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1161

11/20/2024
DATE:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this Consent Order has been served upon the Respondent by delivering via United States Mail, certified and first class, with sufficient postage thereon to reach its destination at the following address:

Kimberly D. Neal, C.R.T.
116 Keaton Street
Livingston, TN 38570

Certified Mail Number: 70133020000096354955
RETURN RECEIPT REQUESTED

This 20th day of November, 2024.


Ashley L. Fine
Senior Associate General Counsel
Tennessee Department of Health

Ratification List

August 19, 2024 – October 28, 2024

RRT Newly Licensed

9251	Aldea James
9092	Bogle Bridget Renee
9246	Bradshaw Logan Nicole
9258	Bronson Charles
9191	Brown Ronnie
9220	Cancio Mckenzie
9234	Corbett Alexis M
9198	Davis Neiadra Michelle
9227	Dew Paige
9231	Folley Kristin
9224	Forster Jenna
9232	Funt Alison Gray
9236	Garza Crystal Victoria
9229	Healey Kelly Renee
9233	Jenkins Candace
9222	Kim Minsoo
9228	Love Quinterria
9238	Mcroberts James Andrew
9247	Perry Judith Joyann
9240	Rathgeb Michelle Alejandra
9221	Ray Steven Corey

9226	Selby Kendra
9241	Spangler Alicia
9203	Sparkman Kristen Nicole
9243	Stewart Sheri
9254	Vance Jessica
9165	Williams Debra
9249	Wright Triniece Nicole

6845	Gilbert Crystal
8843	Long Zachary
3784	Wilson Melody Yvette
9156	Baker Hailey Nichole
9129	Bassham Kara Lee Elizabeth
9140	Reasons Lyndsay
9127	Smith Abigail G
9178	Reichenbach Stephany

RRT Reinstated

6635	Byrd Jade
7281	Jones Caycee Anne
7574	Mccollum Jasmine Lee
4586	Perry Tonia
8293	Pryor Jacob Ryan
8161	Varquez Bailey Baker
6845	Gilbert Crystal

8843	Long Zachary
3784	Wilson Melody Yvette

RRT Closed Applications

Cuculich Pamela
Kabango Odetta Farah
Lopez Ashlee Yvonne
Stamey Barry Lane

CRT Newly Licensed

7987	Dickerson Abby
8007	Durand Madyson
7933	Gavin Angie Shontae
7992	Haris Zaharah
7972	Hurley Roxann
8003	Kabango Odetta Farah
7977	Kingdom Diamond
7989	Labib Remonda
7988	Mattox Mark
7969	Mcvey Nathan
7978	Owen Keele
7976	Pace Alicia Shante'
7990	Ruden Destiny
7996	Sami Jackleen
8004	Sanders Ebony Jada

7993	Shehadah Zina
7991	Shehata Sandy S
7984	Swai Sarah J
7974	Taylor Christan
7997	Tolliver Christine
7929	Bloodworth Madison
7917	Reed Woyta Kamiel
7931	Weaver Hannahstaysia Clarice
7470	Brown Rainbow Leigh
5844	Creswell Steven Chester
7577	Ellison Kyle
7288	Gailes Jennifer
5209	Lee Christopher Alan
7995	Anis Monica

CRT Reinstated

7470	Brown Rainbow Leigh
5844	Creswell Steven Chester
7577	Ellison Kyle
7288	Gailes Jennifer
5209	Lee Christopher Alan

CRT Closed Applications

Depriest Cristy
Fayemi Aminat Ms.

ADMINISTRATOR REPORT

November 7, 2024

This is an Administrative Report from Melicent Smith, Board Administrator. The information contained in this report will keep the board aware of all essential activities pertaining to licensure for Respiratory Care Practitioners.

STATISTICAL REPORT

The following are the total active licensees as of October 28, 2024:

RRT	CRT	RCA
Active Licensees –4147	Active Licensees –1149	Active Licensees –1

Licensing activities from August 19, 2024 through October 28, 2024

RRT	CRT
New applications received – 35	New applications received – 21
New licenses issued – 31	New licenses issued – 23
Reinstated – 7	Reinstated - 5
Registered Poly Endorsement(s) - 1	Certified Poly Endorsement(s) – 0
Number of renewals – paper – 14	Number of renewals paper – 7
Number of renewals online – 227	Number of renewals online – 69
Number of licensees who retired – 5	Number of licensees who retired – 6
Number of licenses that expired – 42	Number of Licenses that expired – 20
Closed Files - 4	Closed Files – 2
NA	Upgrades from CRT to RRT- 1
RRT Limited Permit to Full License – 4	CRT Limited Permit to Full License- 1

For RRTs, the number of renewals online during this period constituted a usage rate of 94%. For CRTs the number of online renewals constituted a usage rate of 91%

2025 Meeting Dates:

- February 13, 2025, May 8, 2025, August 28,2025, and November 6, 2025

PLEASE NOTE:

If you are interested in attending a conference for your profession, you must contact the Board office no less than 12 weeks prior to the conference so that the Administrator will have enough time to process the request and submit all necessary information for approval. The Board must also pre-approve sponsorship for the event at a regularly scheduled meeting.

**TN BOARD OF RESPIRATORY CARE
ADMINISTRATIVE OFFICE REPORT OF LICENSEE TOTALS**

DATE	RRT	CRT	RCA	TOTAL	Increase (Decrease) From Last Meeting	Increase (Decrease) YoY By Month	Increase (Decrease) YoY By Year
3/8/2018	3,608	1,307	8	4,923			
5/24/2018	3,603	1,293	7	4,903	(20)		
8/16/2018	3,641	1,284	7	4,932	29		
11/15/2018	3,633	1,301	7	4,941	9		
2/21/2019	3,671	1,256	7	4,934	(7)	11	11
5/16/2019	3,672	1,252	6	4,930	(4)	27	
8/5/2019	3,690	1,246	5	4,941	11	9	
11/14/2019	3,725	1,250	5	4,980	39	39	39
2/20/2020	3,740	1,229	4	4,973	(7)	39	
5/14/2020	3,758	1,233	4	4,995	22	65	
8/20/2020	3,758	1,233	4	4,995	0	54	
11/12/2020	3,828	1,195	4	5,027	32	47	47
2/18/2021	3,850	1,195	3	5,048	21	75	
5/13/2021	3,869	1,185	2	5,056	8	61	
8/19/2021	3,927	1,217	2	5,146	90	151	
11/10/2021	3,953	1,205	2	5,160	14	133	133
2/24/2022	3,979	1,213	2	5,194	34	146	
5/26/2022	4,018	1,212	2	5,232	38	176	
8/18/2022	4,062	1,225	2	5,289	57	143	
10/31/2022	4,131	1,244	1	5,376	87	216	216
2/16/2023	4,099	1,225	1	5,325	(51)	131	
6/26/2023	4,121	1,209	1	5,331	6	99	
8/17/2023	4,134	1,205	1	5,340	9	51	
11/16/2023	4,146	1,197	1	5,344	4	(32)	(32)
2/15/2024	4,107	1,175	1	5,283	(61)	(42)	
5/9/2024	4,126	1,160	1	5,287	4	(44)	
8/29/2024	4151	1150	1	5,302	15	(38)	
11/7/2024	4147	1149	1	5,297	(5)	(47)	(47)