

## **Board of Respiratory Care Minutes**

**Date:** November 30, 2017

**Time:** 9:13 A.M. C.S.T.

**Location:** Poplar Conference Room  
Ground Floor  
665 Mainstream Drive  
Nashville, TN 37243

**Members Present:** Winston Granville, RRT, Board Chair  
Kimberly Christmon, RRT, Secretary  
Troy Hamm, RRT  
Anna Ambrose, RRT  
Curtis D. Powell, Hospital Administrator  
L. Gail Braddock, Consumer Member

Member(s) Absent: Lisa Caldwell, RRT

**Staff Present:** Michael Sobowale, Unit Director  
Mary V. Webb, Board Manager  
Michelle Chowning, Board Administrator  
Tracy Alcock, Assistant General Counsel  
Lori Leonard, Office of Investigations  
Noranda French, Finance Officer

**Guests Present:** Mike Harkreader, TnPAP Executive Director

### **Call to Order:**

Ms. Webb conducted a roll call of members present. A quorum being present, Winston Granville, Board Chair, called the meeting to order at 9:10 A.M.

### **Rule Making Hearing**

Ms. Alcock presented the proposed rule amendment such that Rule 1330-01-.06 Fees is amended by deleting subparagraph (3) (d) in its entirety and substituting instead the following language, so that as amended, the new subparagraph shall read; Renewal (biennial) Fee 75.00. Ms. Alcock initiated a roll call vote and all present members voted in favor.

Ms. Alcock presented the Statement of Economic Impact to Small Businesses which outlined the expected effects of the approved amendment. Ms. Alcock initiated a roll call vote and all present members voted in favor.

Ms. Alcock presented the Regulatory Flexibility Analysis. Ms. Alcock initiated a roll call vote and all present members voted in favor. Ms. Ambrose initiated a discussion regarding the timeline of amendment implementation.

### **Approval of Minutes**

A motion was made by Mr. Hamm, seconded by Mr. Powell, to approve the minutes of the August 17, 2017 meeting. The motion carried.

### **Office of General Counsel**

Tracy Alcock, Assistant General Counsel, presented the Office of General Counsel Report as follows:

#### **Rules**

Ms. Alcock reminded the Board about the rule change which became effective on November 26, 2015, requiring licensees to have twelve (12) hours of continuing education hours in order to be in compliance with their CE requirement. The Administrative Office has started monitoring for compliance as of January 1, 2017.

Ms. Alcock reminded the Board about the Conflict of Interest Policy. She reminded members of their obligation to recuse themselves from any matter in which they might have a personal or financial interest, or from participating in any matter before the Board in which there might be an appearance of a conflict.

Mr. Hamm asked Ms. Webb for a status update regarding the addition of two additional hours of ethics and patient safety to the annual continuing education requirements. Ms. Webb explained that the CE audit is currently behind and indicated that a report would be completed and presented at the February 22, 2018 board meeting.

#### **Litigation**

Ms. Alcock stated that currently, OGC has two (2) open cases involving the Board of Respiratory Care, and two (2) consent orders are to be presented at the November 30, 2017 board meeting.

#### **Consent Orders**

**Jestina R. Odeneal, CRT, License Number 4008** – Ms. Alcock presented a Consent Order on Ms. Odeneal, because it is unlawful for any person to practice or offer to practice Blood Gas Analysis, unless such person has been duly licensed. Under the provisions of 63-27-115(1) (A)(B)(C), of this chapter; blood gas analysis, and maintenance and quality assurance of a blood gas laboratory may not be performed by any practitioner licensed under the provisions of this chapter unless [the practitioner]...has been granted a license by the board bearing the endorsement “ABG analyst;” and holds either the NBRC credentials “CRT,” “CRRT,” or “RRT” or has passed a board approved examination testing competency for blood gas analysis.

Ms. Odeneal's license was reprimanded; she was assessed a \$50 civil penalty, plus costs not to exceed \$50.

A motion was made by Mr. Hamm, seconded by Ms. Christmon, to approve the Consent Order as presented. The motion carried.

Additional discussion followed, with the Board requesting how to prevent incidents such as found in this Consent Order from happening in the future. The Board made some suggestions about how the administrative office can notify licensees to remind them to follow up with the NBRC regarding the renewal of their NBRC credential. Mr. Sobowale noted the Board's recommendations and the discussion was tabled for a future meeting.

**Tad E. Cummins, RRT, License Number 1389** – Ms. Alcock presented a Consent Order on Mr. Cummins, due to immoral, unethical, unprofessional or dishonorable conduct; violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of the respiratory chapter or any lawful order of the board or any criminal statute of this state; and violation of any other unprofessional or unethical conduct specified in the rules of the board.

Mr. Cummins voluntarily surrendered his license and agreed to three (3) grounds of discipline.

A motion was made by Ms. Ambrose, seconded by Mr. Hamm, to approve the Consent Order as presented. The motion carried.

#### Order of Compliance

**Kylie Dozier, CRT, License Number 4053** – Ms. Dozier was present. Ms. Alcock presented the Order of Compliance of Kylie Dozier, CRT. Ms. Dozier was present to answer the Board's questions. Ms. Alcock provided the Board with background information on Ms. Dozier's probation and the steps Ms. Dozier has taken to comply. Ms. Dozier addressed the board to explain her circumstances. Lori Leonard of the Office of Investigations also submitted to the Board, in writing, additional information about the monitoring of Ms. Dozier which stated that she is eligible to petition the Board for an Order of Compliance due to her meeting all requirements.

A motion was made by Mr. Powell, seconded by Ms. Ambrose, to approve the Consent Order as presented. The motion carried.

#### Investigative/Disciplinary Report

Lori Leonard, Disciplinary Coordinator in the Office of Investigations presented the Investigative and Disciplinary report as follows: There are currently eight (8) Respiratory Therapists on probation, eight (8) TSAC suspensions, four (4) board orders, and ten (10) revoked licenses. There are eleven (11) new complaints for Registered Respiratory Therapists, three (3) open complaints are being monitored and nine (9) complaints have been closed. There was one (1) complaint reported for a Certified Respiratory Therapist and three (3) cases have been closed, and no CRT is being monitored at this time.

## **Financial Report**

Noranda French, Financial Officer, gave the financial report for fiscal year-end 2017, detailing the following: Total expenditures were \$205, 081.73 and the board generated revenue fees in the amount of \$277,951.00, for a current year net totaling \$72,869.27. The board's portion of the LARS Improvement project totaled \$33,672.64, leaving the board with a cumulative carryover balance of \$1,033, 306.20. Ms. French also presented additional report to the Board showing 5 year expenditure comparisons, total number of licensees divided by profession, revenue sources, and expenditure/revenue comparisons.

The Board discussed additional revenue and carryover balance, focusing on the projected changes that the approved renewal fee reduction will have on revenue moving forward. This was followed by a lengthy discussion of the feasibility of an additional reduction in the initial application fee. Ms. French provided a graph projecting the possible effects of such a change. Discussion of initial application fee reduction was tabled until data can be gathered regarding the impacts to revenue of the approved renewal fee reduction.

A motion was made by Ms. Ambrose, seconded by Mr. Hamm, to table discussion on further fee reduction for a future board meeting. The motion carried. A short discussion followed regarding the possibility of creating a contract with TnPAP as another means of carryover reduction. This too was tabled for a future date.

## **Applicant Interviews/File Review**

**LaTrina Shanks, RRT Initial Applicant** – Ms. Shanks was present. Ms. Shanks was convicted of driving on a suspended license in 2011. She marked “no” on her application to the question of a prior criminal conviction, and was brought before the Board due to confusion on whether this conviction qualified as a traffic citation or a misdemeanor conviction.

After discussion with Ms. Shanks, a motion was made by Ms. Ambrose, seconded by Ms. Christmon, to approve Ms. Shanks for a license. The motion carried.

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

Mike Harkreader, TnPAP Executive Director gave the following report:

Statistics from July 1, 2017 through September 30, 2017

Monitoring	1
Monitoring Closed - Agreement Noncompliance	1

Regarding discussion on ways to reduce the board's surplus, Mr. Harkreader explained to the Board that the Massage Therapy Board created a separate fund contract of \$40, 000.00, which is not part of the original contract, which allows the use of those funds to assist individuals, who must appear before their board for disciplinary reasons. The additional funds are used to help offset some of the financial burden of those individuals, who have been ordered to go through TnPAP for evaluations. Mr. Harkreader made a suggestion that perhaps the Board of Respiratory Care may want to model a

separate contract after the Massage Board, to include additional funds to help assist applicants and licensees. There was no action taken.

### **Ratifications**

Mr. Hamm made a motion, seconded by Mr. Powell, to approve the list of newly licensed and license reinstatements for certified and registered respiratory therapists. The motion carried:

### **New Licenses**

#### **Registered Respiratory Therapists - Licensed**

Baggett, Addison  
Bass, Hubert Wayne  
Bickers, Brooke  
Bondi, Teresa Yong  
Bowles, Allie Morgan  
Bradford, Abby Noel  
Bulla, Hollie Jo  
Burnette, Emily Carolyn  
Byrd, Jessica Lee  
Chadwick, Brittany Nicole  
Chapman, Jennifer Marie  
Cook, Diamond Jade  
Cooley, Autumn Brook  
Cox, Brittany Nicole  
Cox, Tyler  
Cushing, Pamela Lynn  
Dennie, Christine Paige  
Dunn, Trenten Kelce  
Durbin, Rachel Lane  
Earlie, Tanner  
Finkle, Caroline Marie  
Freeman, Lori  
Gentle, Morgan Denise  
Godfrey, Eric Russel  
Gray, Amy Francille  
Gray, Christina Elizabeth  
Gray, Lisa Maria  
Hanson, Shelby Marie  
Hardy, Ayana Lametrius  
Herrick, Lydia  
Hill, Cameron Mitchell  
Hill, Marcia  
Johnson, Shauna  
Jordan, Kerri Scott

Konopka, Gina Louise  
Kramer, Linda Ann  
Leroy, Katie Snyder  
Leverett, Laquandra Ann  
Lowe, Dana Marie  
Magee, Ryan Joshua  
Mathew, Cyril Maliakal  
McClellan, Jared Alan  
Medukas, David Terry  
Miller, Scott C  
Moore, Whitney Aleece  
Ortmann, Helmut  
Palmer, Rachel Victoria  
Pascual, Nikki  
Patel, Bhumika Jigar  
Patel, Dinal Denish  
Peck, Kandra Kaye  
Polston, Candy  
Ridner, Shelly Marie  
Roland, Summer  
Ruffin, Brandi Michelle  
Russo, Ashley Lynne  
Scalyer, Minnie Boyd  
Scruggs, Marie Ann  
Sharma, Vishal  
Slaubaugh, Kendall  
Spencer, Jonathan David  
Spiegleman, Cassandra Dee  
Starcevic, Dragana  
Stone, Cassandra Viola  
Tanner, Angel Nichole  
Truong, Hong Vi Thi  
Wallace, Christy Leann  
Walter, Donna  
Ward, Keana Nicole  
Warren, Jacqueline Nichole  
Warth, Eric Stephen  
Watts, Kristen Arianna  
Weatherspoon, Sasha Lasandra  
Webster, Joel Nathan  
Yasin, Ali Jihad  
Young, Tammy Lynn

## **Certified Respiratory Therapists - Licensed**

Baggett, Addison  
Blenden, Jennifer  
Brown, Melissa  
Buck, Deonta  
Burton, Helena Lashonte  
Frasier, Javonna Monique  
Houze, Karen  
Mullins, Lauren N  
Page, Frederick Mandel  
Stewart, Jeffrey  
Ward, Ryan Lee

### **Reinstatement (s)**

#### **RRTs**

Allen, Eddie Wayne JR  
Claud, Elizabeth W  
Faulkner, William Jason  
Featherstone, Meagan Ann  
Harvill, Rachel Leean  
Moree, Melissa Gail  
Shaw, Shauncie Renee  
Sheppard, Chrystal R

#### **CRTs**

Briggs, Lisa D

### **Administrative Report**

Mary V. Webb, Board Administrator, presented the administrative report as follows:

#### **Statistical Report**

Total active licensees as of November 30, 2017:

RRT	CRT	RCA
Active Licensees – 3599	Active Licensees – 1327	Active Licensees – 8

Licensing activities from August 11, 2017 through November 30, 2017:

RRT	CRT
New applications received - 64	New applications received – 18
New licenses issued – 70	New licenses issued – 11
Reinstated - 8	Reinstated - 1
Registered Poly Endorsement(s) - 0	Certified Poly Endorsement(s) - 0
Number of renewals – paper - 65	Number of renewals – paper - 25
Number of renewals on line - 402	Number of renewals on line - 114
Number of licensees who retired - 5	Number of licensees who retired - 8
Expired - 43	Expired – 37
Closed Files - NA	Closed Files - NA

### **TSAC Report**

#### **TSAC Orders of Default Suspensions**

1. Stephanie Pittman, CRT
2. Clistha Tucker, CRT

For RRTs, the number of renewals online during this period constituted a usage rate of 86%. For CRTs, the number of online renewals constituted a usage rate of 82%.

Ms. Webb proposed that the date for the following Board meeting be changed from February 15, 2018 to February 22, 2018. A motion was made by Ms. Ambrose, seconded by Ms. Christmon, to approve this change. The motion carried.

### **Correspondence**

The Board discussed the need for correspondence to licensees highlighting the importance of maintaining a current address and current NBRC credentials. Mr. Powell suggested sending this notification to the Tennessee Hospital Association instead so that they can be aware of the state requirements and make those requirements known to their employees. A motion to contact the THA with this information was made by Mr. Powell, seconded by Mr. Hamm. The motion carried.

### **Conferences**

A motion was made Mr. Hamm, seconded by Ms. Christmon, that any member of the Board interested in attending the 42<sup>nd</sup> Annual FARB Forum in Coronado, CA from January 25-28, 2018, may do so. The motion carried.

Ms. Christmon and Mr. Granville shared their experiences from the AARC Congress, stating that the trip had been very beneficial. Mr. Granville pointed out that attendance has been declining in recent years and encouraged active participation.

Ms. Alcock also discussed her experiences at CLEAR and FARB and thanked the Board for allowing her to attend. Ms. Alcock stated that emphasis was stressed at the conference regarding communication between board members and board business, and that all forms of communication pertaining to board business should always be done in an open meeting with the entire board.

### **Adjournment**

There being no further business, Mr. Granville adjourned the meeting at 12:00 P.M.

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Winston Granville, Chair

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Date

**These minutes were ratified at the February 22, 2018 board meeting.**