

Board of Respiratory Care Minutes

Date: August 17, 2017

Time: 9:03 A.M. C.S.T.

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

Members Present: Anna Ambrose, RRT, Board Chair
Lisa Caldwell, RRT, Secretary
Kimberly Christmon, RRT
Winston Granville, RRT
Troy Hamm, RRT
Curtis D. Powell, Hospital Administrator
Jeffrey P. McCartney, MD
L. Gail Braddock, Consumer Member

Staff Present: Michael Sobowale, Unit Director
Mary V. Webb, Board Administrator
Tracy Alcock, Assistant General Counsel
Dorsey Luther, Office of Investigations
Noranda French, Finance Officer
Lacey Blair, Legislative Representative

Guests Present: Candice Partee, Board Consultant
Mike Harkreader, TnPAP Executive Director
Michelle Hadley, Tennessee Society for Respiratory Care
Gene Gantt, CEO, Eventa LLC
Delmar Mack, RRT
Ashley Russo, License Applicant
Autumn Cooley, License Applicant
Summer Roland, License Applicant
Ryan Ward, License Applicant
Jeffrey Stewart, License Applicant
Crystal Earls, License Applicant

Call to Order:

Ms. Webb conducted a roll call of members present. A quorum being present, Anna Ambrose, Board Chair, called the meeting to order at 9:03 A.M.

Approval of Minutes

A motion was made by Mr. Granville, seconded by Ms. Caldwell, to approve the minutes of the May 11, 2017 meeting with requested revisions. The motion carried.

Election of Officers

A motion was made Mr. Hamm, seconded by Dr. McCartney, to elect Mr. Granville as the Board Chair. There were no other nominations. The motion passed.

Office of General Counsel

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

Conflict of Interest

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.

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.

Litigation

Currently, OGC has four (4) open cases involving the Board of Respiratory Care, and three (3) consent orders were presented at the May 11, 2017 board meeting.

Legislation

Ms. Alcock provided a broad overview of Public Chapter 481. This legislation which became effective July 1, 2017, applies to all Health Related Boards and establishes a more stringent process for healthcare providers who refuse or fail a drug screen.

Consent Orders

Mike Todd Muchmore, CRT, License Number 5604 – Mr. Granville recused himself. A Consent Order was presented on Mr. Muchmore 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; gross health care liability, ignorance, negligence or incompetence in the course of professional practice; and violation of any other unprofessional or unethical conduct specified in the rules of the board.

Mr. Muchmore's license was suspended for no less than six months with terms; he must obtain continuing education hours on the topic of patient care; he was assessed a \$600 civil penalty, plus costs not to exceed \$5,000. Mr. Muchmore must seek a TnPAP evaluation and if a monitoring agreement is required, he must sign a TnPAP monitoring agreement and maintain 100% compliance with its terms for the duration of the agreement. Mr. Muchmore must maintain the advocacy of TnPAP until the completion of the monitoring agreement and any amendments.

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

Teresa A. Brotherton, CRT, License Number 650 – A Consent Order was presented on Ms. Brotherton because it is unlawful for any person to practice or offer to practice respiratory care unless such person has been duly licensed under the provisions 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; 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 this chapter or any lawful order of the board or any criminal statute of this state; making false statements or representations or being guilty of fraud or deceit in the practice of respiratory care; and violation of any other unprofessional or unethical conduct specified in the rules of the Board.

Ms. Brotherton voluntarily surrendered her license; was assessed a \$3,600 civil penalty, plus costs not to exceed \$300. A motion was made by Mr. Powell, seconded by Mr. Granville, to approve the Consent Order as presented. The motion carried.

Lisa Wallace Stauffer, RRT, License Number 5224 – A Consent Order was presented on Ms. Stauffer 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 this chapter or any lawful order of the board or any criminal statute of this state; engaging in the practice of respiratory care when mentally or physically unable to safely do so; and violation of any other unprofessional or unethical conduct specified in the rules of the Board.

Ms. Stauffer has agreed to voluntarily surrender her license; and was assessed costs not to exceed two hundred (\$200) dollars. A motion was made by Mr. Hamm, seconded by Ms. Christmon, to approve the Consent Order as presented. The motion carried.

Legislation

Lacey Blair, Legislative Liaison, presented the following Public Chapters to the board:

Public Chapter 481 - This legislation creates a new violation of a healthcare practitioner's practice act if that practitioner refuses to submit to or tests positive for any drug the practitioner does not have a lawful prescription for or a valid medical reason for using the drug. It is the duty of the employer to report any violation to the Department of Health. If the practitioner fails a drug test, the practitioner has 3 business days to either produce the requisite prescription or medical reason, or report to their board approved peer assistance program. If the practitioner does not comply with any of these measures, it is the duty of the employer to report this violation of the practice act to the employee's licensing board for investigation and action. If the practitioner reports to the peer assistance program and obtains and maintains advocacy of the program, the employer is not required to notify the board. As long as a practitioner obtains, maintains and complies with the terms of a peer assistance program, the board shall not take action on the licensee for the sole reason of a failed or refused drug test. If a practitioner fails to obtain or maintain advocacy from the peer assistance program, the program is required to report that information to the appropriate licensing board. The board SHALL suspend the license of a practitioner who fails to comply with the terms of the program. Employer drug testing must be compliant with the Drug-free Workplace requirements. This legislation allows a quality improvement committee to share information regarding substance abuse by a practitioner with other quality improvement committees. Additionally, this legislation specifies that the Department of Health is not required to obtain prior approval from the Attorney General in order to take any emergency action on a licensee. This legislation took effect on July 1, 2017

Public Chapter 350 - This legislation will allow healthcare providers to satisfy one hour of continuing education requirements through the performance of one hour of voluntary provision of healthcare services. The maximum amount of annual hours of continuing education that a provider can receive through providing volunteer healthcare services is the lesser of 8 hours or 20% of the provider's annual continuing education requirement. The legislation allows for rulemaking by the division of health related boards in order to administer this section. This Act took effect on May 12, 2017.

Public Chapter 215 - This legislation requires state governmental entities that establish or adopt guides to practice to do so through the promulgation of rules, rather than policy. The rules so promulgated must specify all provisions included in and relating to the guide to practice. Any changes to guides to practice made after the guides are adopted must also be promulgated by rule in order to be effective. For purposes of this part, guides to practice includes codes of ethics and other quality standards, but does not include tests, examinations, building codes, safety codes, or drug standards. This legislation took effect on April 28, 2017.

Public Chapter 240 - This legislation authorizes entities that regulate health professionals to issue limited licenses and makes various changes related to reporting of disciplinary matters to licensure entities. This legislation will:

Insure the integrity of licensure examinations by making examination questions, answer sheets, scoring keys, and other examination data confidential and closed to public inspection.

Allow the issuance of limited licenses to applicants who have been out of clinical practice or inactive, or who are engaged in administrative practice. Limited licenses may be of restricted scope, restricted duration, and have additional conditions placed upon them in order to obtain full licensure.

Clarify that other documents prepared by or on behalf of the Department with regard to an investigation are confidential until such time as formal disciplinary charges are filed against the provider.

Eliminate the “locality rule” for administrative law.

Require the chief administrative official for each health care facility to report within 60 days any disciplinary action taken against an employee for matters related to ethics, incompetence or negligence, moral turpitude, or substance abuse, to the employee’s respective licensing board. All records pertaining to the disciplinary action shall be made available for examination to the licensing board.

This act became effective on May 2, 2017.

Public Chapter 230 - This legislation authorizes commissioners or supervising officials of departments to evaluate certain actions by a regulatory board to determine whether the action may constitute a potentially unreasonable restraint of trade. Supervising officials must ensure that the actions of regulatory boards that displace competition are consistent with a clearly articulated state policy. If a board action constitutes a potentially unreasonable restraint of free trade, the supervising official must conduct a further review of the action and either approve, remand or veto the action. The supervising official may not be licensed by, participate in, or have a financial interest in the occupation, business or trade regulated by the board who is subject to further review, nor be a voting or ex officio member of the board. The supervising official must provide written notice of any vetoed actions to the senate and house government operations committees.

Prior to filing a regulatory board's rule with the secretary of state, the commissioner or chief executive officer of the administrative department under which a regulatory board operates or to which a regulatory board is administratively attached, or a designee to the extent a conflict of interest may exist with respect to the commissioner or chief executive officer, must remand a rule that may constitute a potentially unreasonable restraint of trade to the regulatory board for additional information, further proceedings, or modification, if the rule is not consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board. This act took effect on April 24, 2017.

Investigative/Disciplinary Report

Dorsey Luther, Interim Disciplinary Coordinator in the Office of Investigations presented the Investigative and Disciplinary report as follows: There are currently eight (8) new complaints for Registered Respiratory Therapists and four (4) open complaints being investigated. There was one (1) complaint reported for a Certified Respiratory Therapist and it is now closed. Currently in the Office of Investigations there are eight (8) practitioners being monitored and are on probation, three (3) suspended, four (4) reprimanded, and nine (9) revoked.

Financial Report

Noranda French, Financial Officer, gave an unofficial report for fiscal year 2016 detailing the following: A potential net worth without allocated expenses totaled \$178,182.34, a three (3) year average for allocated expenses of \$84, 256.4, with a potential net worth of \$93, 925.93. Ms. French also presented a graph to the Board showing that from 2008 through 2017, there has been a steady increase in the number of licensees. The Board discussed additional revenue and carryover balance, including fee reduction for new applicants. The Board also discussed the possibility of forming a group composed of two (2) board members to come up with ideas on how to address the issue of the Board's accumulated carryover balance and for the matter to be discussed at a later time. After a lengthy discussion regarding the board's financials, a motion was made by Anna Ambrose, seconded by Winston Granville, to further reduce the license renewal fees from \$150 to \$75. The motion carried, with Dr. McCartney opposing.

Applicant Interviews/File Review

1. **Ashley Russo, RRT Applicant** - Ms. Russo was present. Ms. Russo appeared before the board due to a Class A misdemeanor Driving Under the Influence conviction in Illinois on October 11, 2011. After discussion with Ms. Russo, a motion was made by Mr. Powell, seconded by Ms. Caldwell, to approve Ms. Russo for a license. The motion carried.
2. **Autumn Cooley, RRT Applicant** - Ms. Cooley was present. Ms. Cooley appeared before the Board due to a misdemeanor conviction of Malicious Mischief, in Olive Branch, MS on October 9, 2007. Ms. Cooley marked "no" on her application to the question of a prior criminal conviction. After discussion with Ms. Cooley, a motion was made by Ms. Caldwell, seconded by Mr. Granville, to approve Ms. Cooley for a license. The motion carried.
3. **Summer Roland, RRT Applicant** - Ms. Roland was present. Ms. Roland appeared before the Board due to adverse action on her Respiratory Therapist license in North Carolina for non-compliance with the Board's CEU requirements for which she was issued a license reprimand. Ms. Roland's criminal background check also revealed a charge for Driving While Impaired (DWI) which, her record shows, was later dismissed. After discussion with Ms. Roland, a motion was made by Mr. Hamm, seconded by Ms. Caldwell, to approve Ms. Roland a license. The motion carried.
4. **Ryan Ward, CRT Temporary Permit Applicant** – Mr. Ward was present. Mr. Ward appeared before the Board due to an arrest for a domestic assault charge on February 07, 2017. As part of the conditions of his bail, Mr. Ward was required to complete an alcohol and drug outpatient treatment program, complete domestic violence classes, and make arrangements with the Department of Children Services. According to court documents, the case will be dismissed upon showing full compliance after six (6) months. After discussion with Mr. Ward, a motion was made by Dr. McCartney, seconded by Mr. Granville, to approve Mr. Ward for a-an unencumbered temporary license. The motion carried.
5. **Jeffrey Stewart, CRT Applicant** – Mr. Stewart was present. Ms. Christmon recused herself. Mr. Stewart appeared before the board due to a conviction of Reckless Endangerment, a misdemeanor offense on January 24, 2017. Mr. Stewart was placed on probation for 11 months, 29 days with completion of alcohol safety school and Victim Impact panel classes. After discussion with Mr. Stewart, a motion was made by Mr. Hamm, seconded by Ms. Caldwell, to approve Mr. Stewart for a license. The motion carried.

6. **Crystal Earls, RRT Temporary Permit Applicant** – Ms. Earls was present. Ms. Earls appeared before the Board due to adverse action on her Pharmacy Technician license which was revoked by the Tennessee Board of Pharmacy on October 25, 2010. After discussion with Ms. Earls, a motion was made by Ms. Caldwell, seconded by Ms. Braddock, to approve Ms. Earls for a temporary permit. The motion carried.

Tennessee Professional Assistance Program Report (TnPAP)

Mike Harkreader, TnPAP Executive Director gave the following report:

Statistics from July 1, 2016 through June 30, 2017

Monitoring	2
Monitoring Type - Credentials	1
Monitoring Type – Board Order- TDOH	1
File Closure – Evaluated; declined recommendations	6
Monitoring complete	2
Monitoring Agreement Noncompliance	2

Ratifications

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

Registered Respiratory Therapists - Licensed

New Licenses

- Abdullah Umid Nuri
- Abdullah Zelan Bashir
- Agro Elizabeth Ann
- Alkubechy Atheer Abbas
- Alkubechy Christina Rhea Mrs.
- Anderson Sandra Elizabeth
- Asher Lana Adeline
- Bell Katherine Elizabeth
- Brown -Tyndall Kimberly
- Burcham Megan Leighann
- Burchett Dakota Rayne
- Carman Justin Kane
- Casebolt Whitney Michelle
- Cermeno Raquel
- Chamroeun Sonalee
- Cobb Porscha Dawn
- Collins Daniel H.

Douglas Holly Anne
Elizondo Jesse Nunez
Fields Jessica Marie
Foster Rodrick
Gange Tracy Lynn
Hacker Emily Jane
Haley Jessica Nichole
Halle Gina Marie
Haskin Kayla Karlene
Horton Madison Alexandra
Horvath Ashley Nicole
Hutchinson Scarlet Rae
Jack Karri Ann Mrs.
Jeffery Baylee Aileen
Johnson Mary Ashley Beth
Johnson Melissa Faye
Jones Chandler Gage
Jones Kaylee H
Jonson Shelby Corinne
Kahley Karl Arthur
Kurtz Chelsey Renee
Larocque Jeliene Marie
Laws Denise Lashea
Love Angela Lyn
Mahoney Rebecca Ann
Martino Kelly Frances
Matheny Jessica Shirlean Ms
Matthews Jacob Tyler
May Jessica Belle
Maybray Lindsey
McCleary Miquel Shavonne
Mengistu Eyob
Michael Tiny Candas
Morrow Andrew Caleb
Morse Denise
Peoples Erika L
Perseghin III Joseph Andrew
Porter Tyler Ladean
Pracket Kiara Samone
Presnell Mallory Payton
Purvis Samantha
Quillen Kimberly Faith
Roberts Olivia Randall

Rollins Casey Renee
Seigel Shanna Lynn
Shafik Reham Samir
Silvers Mishon Nicole
Simon Hawkins Vikki Lynn
Smith Kayla Rae
Stegall April Christine
Stover Denesha Deshaun
Strunk Matthew Owen
Thompson Olivia Erin
Thurman Tanner Nicholas
Thursby Lezlee Leann
Vidrine Richard Anthony
Weaver Chelsea Benson
Whitmire Mackenzie Chase
Wike Jessica
Wilburn Lindsey Marie
Wilburn Trey Lorenz
Williams Ashley D
Williams Donna Jo
Williams Jessica Renea
Williams Tyler
Wombles Cody J
Starcevic Dragna
Gray Christina
Lowe Dana
Ridner Shelly

Certified Respiratory Therapists - Licensed

Allums Shaina D
Arnold Ashley Mrs.
Davis Jacquelyn L
Dunn Trenten Kelce
Elliott Tiffany Morgan
Fryman Sarah Nicole
Garman Annette
Gibson Debra Michelle
Hill Marcia Lynn
Horvath Ashley Nicole
Huffman Margaret Lynne
Johnson Derrius Antwann
Johnson Franklin Douglas
King Kelly Allison

Laws Denise Lashea
Leathers Tanya Michelle
Mccauley Tabitha Lynn
Mcelroy Heather Dae
Mcleod Delores Deann
Merryman Jonathan P
Mull Jenny Lynn
Payne Sharniqua Sharnae
Phillips Robert Reed
Presley Amber Marie
Price Christina Kay
Redd Natasha D
Richardson-Buxton Menzise
Rusineck Miranda Jean
Samples Kayla Logan
Satterfield Renee Michelle
Shanahan Matthew Drew
Sweet Katie Scarlett Ms
Ward Rachel Marie
Welch Amy Joy Cheri

Reinstatement (s)

RRTs

Batts, Brenda
Clark, Sherrie
Gantt, Ernest
Hardin, Michael
Sexton, Brandon
Stewart, Steven
Vann, Mandi
Sheppard, Crystal

CRTs

Ballard, Deborah
Younce, Randy

Administrative Report

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

Statistical Report

Total active licensees as of August 17, 2017:

RRT	CRT	RCA
Active Licensees – 3562	Active Licensees – 1357	Active Licensees – 8

Licensing activities from May 5, 2017 through August 11, 2017:

RRT	CRT
New applications received - 90	New applications received - 15
New licenses issued – 85	New licenses issued – 32
Reinstated - 7	Reinstated - 2
Registered Poly Endorsement(s) - NA	Certified Poly Endorsement(s) - NA
Number of renewals – paper - 49	Number of renewals – paper - 29
Number of renewals on line - 372	Number of renewals on line - 124
Number of licensees who retired - 8	Number of licensees who retired - 3
Expired - 51	Expired – 43
Closed Files - NA	Closed Files - NA

TSAC Report

TSAC Orders of Default Suspensions

1. Jennifer Lister Bovee, RRT
2. Pamela S. Holmes, CRT
3. Michael Blockley, CRT

TSAC Suspensions Lifted

1. Jocelyn L. Morgan

For RRTs, the number of renewals online during this period constituted a usage rate of 88%. For CRTs, the number of online renewals constituted a usage rate of 81%.

As of October 1, 2016 the maximum hotel lodging increased to \$161.00 per night. The mileage remains .47 cents per mile. The meals remain \$44.25 per day for overnight stay.

Correspondence

1. Mr. Gene Gantt, President and CEO of Eventa LLC, a healthcare services company, appeared before the Board to discuss that some amendments be made to the Tennessee Board of Respiratory Care Position Statement for Recommended Minimum Standards for Ventilator Care in Rehabilitation Facilities. Mr. Gantt explained to the Board that since the Board adopted the position statement in 2005, Tenn Care and other health agencies have changed many components of the position statement that were implemented into rehab facilities. Mr. Gantt

requests the Board to consider amending its Board Position Statement to conform to what the most current standard requirements are in rehabilitation facilities. After a lengthy discussion, the Board requested that Mr. Gantt submit additional information to the Board for further review and discussion at the November board meeting.

2. Mr. Gantt also discussed the Tennessee Board of Nursing Position Statement for Licensed Practical Nursing Care of ventilator dependent Patients in the Home Health setting. Mr. Gantt informed the Board that since policy statement was originally adopted with the assistance from the Board of respiratory Care in 2011, the policy was recently amended in August of 2016, which allows LPNs in home health settings caring for ventilator – dependent patients to perform tasks that are within the scope of practice for respiratory therapists. Mr. Gantt would like for the Board of Respiratory Care to form a task force to discuss this change. After a lengthy discussion, the Board requested that Mr. Gantt gather additional information to be submitted to the Board by its next meeting in November to discuss his concerns further, at which time the Board will decide if a task force would need to be developed.
3. Dr. Delmar Mack wrote a letter of concern to the Board that at the May 2017 board meeting, he understood the Board discussed a change in the reinstatement requirements for retired individuals who are seeking to reinstate their license. Dr. Mack was present to discuss his concerns with the Board. Dr. Mack’s concern was that it should not be up to the Board to decide who is competent to re-enter the field of respiratory care practice, and that it should be up to the hiring employer to ensure that their employees are properly trained. Ms. Ambrose explained to Dr. Mack that the Board decided that it did not want to take a position on the matter because they felt that it should be an issue for health care entities to enforce and not the State Board of Respiratory Care.

Conferences

Ms. Caldwell attended the 2017 AARC Summer Forum in Tucson, AZ in June, and discussed the benefits of attending the conference. She stated she attended a management track segment and found the information shared to be very useful for utilization on her job.

Old and New Business

Ms. Ambrose stated that if a task force was developed to discuss ways to reduce the surplus, she would like to invite Michelle Hadley of the Tennessee Society for Respiratory Care to participate. Ms. Hadley stated that she would accept to become a member of the task force.

Board Members

Dr. McCartney announced that the August Board meeting would be his last meeting. Board members and administrative staff thanked Dr. McCartney for his wealth of knowledge and participation on matters coming before the Board as a long standing board member throughout his tenure on the Board.

Adjournment

There being no further business, a motion was made by Dr. McCartney, seconded by Mr. Granville, to adjourn the meeting. The motion carried. The meeting was adjourned at 1:20 P.M.

Anna Ambrose, Chair

Date

These minutes were ratified at the November 30, 2017 board meeting.