

**TN BOARD OF RESPIRATORY CARE
MEETING MINUTES**

Date: May 9, 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
Robert Farmer, Board Chair
Dr. Gary Keith Lovelady
Curtis Powell
Craig Rooks

Member(s) Absent: Kira Anderson
Consumer Member Seat - Vacant

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

Guests Present: Teresa Phillips, TnPAP

Call to Order

The meeting was called to order at 9:02am Central Time and chaired by Mr. Farmer. A roll call of Board Members was made, and a quorum present at the Call to Order with Ms. Christmon, Mr. Davis, Mr. Farmer, Dr. Lovelady, Mr. Powell, and Mr. Rooks in attendance. Ms. Anderson was absent and the Consumer Member seat is vacant. Administrative and legal staff were introduced.

Discuss and consider approval of Meeting Minutes, February 15, 2024, Board Meeting

A motion was made by Mr. Rooks
To approve the Minutes of the February 15, 2024, Board Meeting, as written.
With a second made by Mr. Davis
Discussion: None OR As Follows
The motion passed unanimously by voice vote.

Receive Reports and/or Requests from the Office of Investigations

Katie Smith, Intake Coordinator, presented the Investigations reports for CY2024 YTD, as follows:

CY2024 YTD

Currently Open Complaints	7
Closed Complaints	4

Total New Complaints Opened	8
Substance Abuse	1
Unlicensed Practice	1
Unprofessional Conduct	2
Lapsed License	1
Continuing Education Violation	3

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

Emily Godwin, Fiscal Director, was present to provide the Mid-Year FY2024 financial report, with highlights as follows:

- Total Expenditures: \$118,353.38
- Board Fee Revenue: \$126,449.55
- Current Year Net: \$8,096.17
- Total Technology Improvements: \$2,692.79
- Cumulative Carryover: \$1,074,413.96

It was noted that the Board has a fee decrease rule package with an effective date of 06/24/2024, which should be scheduled to be heard by the Government Operations Committee in the next few weeks. The fee changes are as follows:

- Application Fee: Decrease from \$70.00 to \$25.00
- License Fee: Decrease from 80.00 to \$25.00

All other fees remain unchanged in this rule package.

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 TN Professional Assistance Program (TNPAP)

Teresa Phillips, TNPAP representative, was present and provided the TNPAP Report, as follows:

Activity report July 1, 2023 – March 31, 2024

Agreements Activated	1
Monitoring	5
<i>Non-Regulatory</i>	3
<i>Regulatory</i>	2
Referrals	0
Discharges	0

Receive Reports and/or Requests from the Board Administrative Office

Administrative Office Report

Mr. Mullins presented the Administrative Office Report, as follows:

STATISTICAL REPORT

The following are the total active licensees as of April 29, 2024:

RRT	CRT	RCA
Active Licensees – 4,126	Active Licensees – 1,160	Active Licensees –1

Licensing activities from February 12, 2024, through April 29, 2024:

RRT	CRT
New applications received – 74	New applications received – 33
New licenses issued – 42	New licenses issued – 13
Reinstated – 12	Reinstated - 3
Registered Poly Endorsement(s) - 0	Certified Poly Endorsement(s) – 0
Number of renewals – paper – 56	Number of renewals paper – 21
Number of renewals online – 405	Number of renewals online – 97
Number of licensees who retired – 7	Number of licensees who retired – 2
Number of licenses that expired – 28	Number of Licenses that expired – 30
Closed Files - 3	Closed Files - 3
NA	Upgrades from CRT to RRT- 4

RRT Limited Permit to Full License – 0	CRT Limited Permit to Full License - 1
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For RRTs, the number of renewals online during this period constituted a usage rate of 87.85%. For CRTs the number of online renewals constituted a usage rate of 82.2%.

2024 & 2025 Meeting Dates:

- August 29, 2024, and November 7, 2024
- February 13, 2025, May 8, 2025, August 28, 2025, and November 6, 2025

In follow-up to the Board’s request in the last meeting, Ms. Wallace provided a report of licensee statistics from 2018 – 2024YTD, as follows:

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)	

Ms. Wallace also updated the Board that she conducted a student outreach licensure event on March 28th, which was coordinated by Mr. Rooks. There were students and educators from multiple schools who were in attendance. Ms. Wallace provided an overview of the application and licensure processes. Since the date of that event, the Administrative Office has seen a significant improvement in the document submissions by individuals seeking a temporary license, in that, they are having their fingerprints completed much earlier in the process, which is helping to avoid delays in receiving their completed background checks, and other required supporting documentation is being received that is more fully complete than the office has received in the past. Ms. Wallace thanked Mr. Rooks for setting up the event and recommended that it become an annual occurrence.

Consideration of Consent Agenda

Ms. Wallace stated to the Board that, in an effort to streamline board meetings and make the best use of the Board's time, many of the health related boards have implemented a consent agenda into their meetings. A consent agenda is the grouping together into one agenda item routine business matters and reports that do not typically require discussion, which allows all items listed on the consent agenda to be approved in one board motion.

For example, the consent agenda for a recent Board of Medical Examiners meeting included their approval of Meeting Minutes, Ratification of all licenses and file types, Approval of Agreed Citations, Review of the OGC Report, Administrative Office Report, and Office of Investigations Report.

As always, each of the reports put on the consent agenda will continue be sent to the Board Members ahead of each meeting, with the expectation that all Board Members have conducted an individual, thorough pre-meeting review of all meeting materials. Should a Board Member have any questions on any item on the consent agenda, it can always be pulled out for discussion and a separate vote held for that item, as needed.

Ms. Wallace stated that any action to approve a consent agenda approved in this meeting would be implemented starting in the next meeting.

A motion was made by Mr. Powell,

To approve implementing a consent agenda for the approval of Meeting Minutes, Ratification of all licenses and file types, Approval of Agreed Citations, Administrative Office Report, and Notices to the Board.

A second was made by Ms. Christmon

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

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

Ms. Fine presented the OGC 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

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

A rulemaking hearing was held at the Board's August meeting regarding fee decreases. Those rules will become effective on June 24, 2024.

LITIGATION

APPEALS

None.

CIVIL SUITS

None.

PENDING CASES

There are currently two (2) open cases in the Office of General Counsel.

DISCIPLINARY REPORT

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

- Four (4) licensees for a reprimand;
- Two (2) licensees for probation;
- One (1) licensee for suspension; and
- Nine (9) licensees for revocation.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Consent Orders

There were no Consent Orders for the Board to review in this meeting.

Agreed Citations

Ms. Wallace presented the following Agreed Citations to the Board:

- Lapsed License – Daise Abraham, RRT License #3950 - 4 months 10/01/23 – 01/08/24
- CE – Coleman Boyd, RRT License #6668 - 11 hours for 2022
- CE – Linda Ethridge, RRT License #7862 - 11 hours for 2021
- CE – Morgan Greenfield, RRT License #7753 – 12 hours 2021
- CE – John Greer, RRT License #437 – 12 hours 2021
- CE – Sean Patton, RRT License #8344 – 12 hours 2022
- CE – Suzanne Wiley, RRT License #7641 – 12 hours for 2022
- CE – Kelli Scott, CRT License #3562 – 7 hours 2020 and 2021
- CE – Gregory Williams, CRT License #2600 – 24 hours for 2021 and 2022

Mr. Powell noted the responsibility of the facility as well as the licensee for licenses to remain active when practicing.

A motion was made by Ms. Christmon

To ratify the Agreed Citations for Abraham #3950, Boyd #6668, Ethridge #7862, Greenfield #7753, Greer #437, Patton #8344, Wiley #7641, Scott #3562, and Williams #2600, as presented.

With a second made by Mr. Davis

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Applicant Interviews/File Reviews/Waivers & Other Requests

File Review – Amanda Vogt File #8852

Amanda Vogt applied for RRT licensure by reciprocity. Her application could not be administratively approved due to a misdemeanor on her criminal background check records.

On her application, the applicant replied “no” to question # 9, which asks, “*Have you ever been convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than a minor traffic offense) whether or not sentence was imposed or suspended?*”

After the date that her application was submitted, but prior to the date on which her criminal background check was processed, the misdemeanor arrest incident occurred (09/25/2023).

The final documents required to complete the file were not received in time to be heard at the 02/15/2024 meeting, thus, the file was put on the 05/09/2024 agenda.

The Board is requested to review the file and make a licensing decision for this application. The applicant has indicated they will be available to receive a phone call from the Board, should the Board wish to speak to her during the meeting. The Board attempted to call Ms. Vogt and did not reach her.

A motion was made by Mr. Powell

To table until the next meeting and request the CA conviction documentation for presentation at next meeting and her to appear at the next meeting.

With a second made by Dr. Lovelady

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Ms. Fine noted the OGC did attempt to obtain the conviction documents, which were received, but were incomplete.

Ms. Vogt placed a call back later in the meeting, Mr. Farmer and the Board instructed her that the Board has tabled her file to a future meeting and will be sending her a letter with all information and details for that meeting.

File Review – Brandi Brown, RRT File #9049

Brandy Brown applied for RRT licensure by reciprocity. Her application could not be administratively approved due to her being in a current monitoring program in the state of Florida.

On her application, the applicant replied “yes” to question # 4, which asks, “*Are you currently participating in a supervised rehabilitation program or professional assistance program that monitors you to assure that you do not consume alcohol and/or do not engage in the illegal use of illicit or controlled substances?*”

The Board was requested to review the file and make a licensing decision for this application. The applicant indicated they would be available to receive a phone call from the Board, should the Board wish to speak to her during the meeting.

The Board placed a call to Ms. Brown, wherein, she disclosed that in December 2022, she was found intoxicated at work, she had clocked in and had not seen any patients. Due to her unprofessional demeanor, she was required to complete a blood test, which was positive for alcohol. She entered an in-patient program in FL, followed by a 5-year monitored contract set to end in 2028. All reports and follow-up testing have been negative, and she has been actively participating in all requirements of that program, meeting set goals, and the program is inclusive of quarterly reports from her supervisor at her current job, which she has maintained a position with the same employer. She has spoken with her case manager about transferring to a program in TN, which would transition to being her primary monitoring program with FL remaining as a secondary program.

Ms. Christmon asked about Ms. Brown’s plans for attendance at support group meetings in TN. Ms. Brown has started looking for groups in the areas in which she is considering residency in TN. She returned to work in April 2023, she had to wait until her monitoring contract was finalized, and they gave her the authorization to return to work, where she was a night-time lead with the hospital system she works for. She does not have intentions to return to FL for work and practice and does not anticipate maintaining her FL license. She is aware of her NBRC expiration and has already renewed it through 2029. She does not have any disciplinary actions against her FL respiratory license.

Ms. Fine pointed the Board to T.C.A. 63-1-126. Ms. Fine and Ms. Wallace discussed the handling of contingent and conditional license provisions with the Board.

A motion was made by Mr. Powell

To approve the license on the contingency that Ms. Brown report to TNPAP, complete their application, and engage in a monitoring agreement with a minimum of the same contractual program requirements as are in place currently through the PRN organization in FL, and after the TN PAP evaluation, to follow the requirements of whichever is more strict, PRN’s or TNPAP’s requirements.

With a second made by Mr. Davis

Discussion: None OR As Follows

Mr. Farmer noted that TN approving a contingent license can be seen as an “out” for her if she does not complete the 5-year monitoring agreement, because the Board would have no course of

action after the contingency is met and the license is issued. Dr. Lovelady stated that TN should mirror what FL did, and not add disciplinary actions over what FL applied. Ms. Fine noted that if Ms. Brown did not complete the TNPAP agreement, TN would be notified, and potential disciplinary consequences could follow.

The motion passed unanimously by voice vote.

License Review – Mina Mesallaa, CRT License #7895

Mina Mesallaa applied for licensure as a CRT in TN on 10/27/2023 and was approved for licensure on 11/14/2023. The approval was based upon the fulfillment of all application requirements inclusive of the NBRC exam report dated 10/25/2023, which the NBRC has since invalidated.

Mr. Mesallaa forwarded a notice to the Board Administrative Office that he received from the NBRC dated 02/14/2024 which informed him that the NBRC Judicial and Ethics Committee voted to suspend Mr. Mesallaa's eligibility for admission to all NBRC examinations for a two-year period of time retroactive to 10/25/2023, in addition to invalidating the results of his Therapist Multiple-Choice examination dated 10/25/2023 and revoking his authorization to use the CRT credential.

Mr. Mesallaa did opt to request an appeals hearing with the NBRC, which was held on 04/20/2024, wherein the NBRC Board of Trustees voted to uphold the decision of the Judicial and Ethics Committee, with Mr. Mesallaa's CRT credential and eligibility for admission to all other NBRC examinations being suspended for two (2) years retroactive to 10/25/2023.

Thus, Mr. Mesallaa's TN CRT license #7895 currently exists without the fulfillment of all licensure requirements at this time, since the NBRC exam was invalidated after-the-fact.

Ms. Fine referred to Rule 1330-01-.07(5):

If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within thirty (30) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke the license, the applicant shall have the right to proceed according to rule 1330-01-.07(4).

Ms. Fine clarified that this is not a denial of a license, but rather, a rescinding of a previously issued and ratified license. Had the Board received notification from the NBRC prior to ratification on 02/15/2024, the license would not have been set forth for ratification.

Ms. Fine will draft a letter to Mr. Mesallaa with the Board's findings on this matter.

A motion was made by Mr. Farmer

To rescind the license of Mr. Mina Mesallaa per Rule 1330-01-.07(5) based on the applicant no longer qualifying for license due to the NBRC decision to invalidate his 10/25/2023 examination scores.

With a second made by Mr. Rooks

Discussion: None OR As Follows

A roll call vote was held, as follows:

- Mr. Davis - Aye
- Mr. Powell - Aye
- Mr. Farmer - Aye
- Mr. Rooks - Aye
- Ms. Christmon - Aye
- Dr. Lovelady - Aye

The motion passed unanimously by roll call vote.

Ratification of Licensure Files

A motion was made by Mr. Powell

To approve the Ratification List, as presented.

With a second made by Mr. Davis

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Ratification List 2/12/2024-4/29/2024

RRT Closed Applications

Baucum Nicole Seiner
Bombrys Katrina
Ortolani Kevin Richard

RRT Newly Licensed

9057 Acosta Perla Yvette
9084 Alexander Destiny
9040 Capener Jasmine Justine
9076 Cartwright Clay
9061 Dickerson Jaila
9080 Faith Courtney Ann Mrs.
9053 Galaviz Gonzalez Katia Noemi
9054 Giambanco Bianca Marie
9042 Gilletti Kathryn
9041 Hammons Dustin
9034 Handwork Lindsey Michelle
9027 Haynes Angela Gale
9052 Heitman Barbara Anne
9058 Jones Bailey Michelle
9045 Kelley-Moro Kandie Jo
9066 Lanham Erin
9026 Leitch Adam
9033 Lyon Sarah Jill
9081 Mcgee Stefeny Nichole
9038 Patterson Jessie
9086 Paugh Shelby
9044 Pearson Michelle Leighann
9060 Pela Danae Michelle
9063 Reynoso Barrera Adilene
9055 Sasser Amber Dawn
9065 Sims Tracy Wendelle
9069 Sralla Kayla Renee
9059 Tarmookh Fatimah
9072 Totty Heather
9048 Urban Bailey Jordan
9093 Uribe Michelle Alexandra
9050 Wholean Nicholas
9051 Winbourne Loren
8604 Blackwell Brandy
8990 Pilgram Justin Andrew
8981 Shell Hazel
8997 Taylor Ayanna Rochelle
8482 Bird Jessica
8827 Blevins Haley
8838 Eldridge Sarah
8828 Gante Brittany

8832 Nukic Alen RRT

RRT Reinstated

3950 Abraham Daise
7961 Almakrami Abdulaziz
6957 Cooley Autumn Brooke
75 Gantt Ernest E.
6368 Gorsheleva Alla
2241 Incorvia Mark P.
6136 Mathews Stephanie Michelle
3686 Moore Gerald
4598 Prescott Tiffany Jean
6001 Smith Aaron Blake
5576 Tate Kelly Marie
2934 Thompson Jodi Dione

CRT Closed Applications

Campos Gonzalo
Charlton Megan
Mccray Tiara Shanay

CRT Newly Licensed

7918 Al Abbas Abdulaziz
7915 Alexander Destiny
7919 Allen Sheila
7922 Alsalah Mohammad
7914 Beard Cadi Ann
7924 Botts Kaitlyn R
7910 Granzow Brandi
7926 Lamar Kathryn
7916 Lauderdale Eva Joy
7911 Miracle Mckenzie Grace
7913 Sabir Semon
7920 Trinidad Tessa Marguerite
7841 Ibrahim Delan
7843 Uribe Michelle Alexandra

CRT Reinstated

4734 Adams Marcus Craig
3219 Hazlett Robert Guy
2106 Knox Kenny Ray

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

Amendment Review - 2021 Public Chapter 328 - Rule Chapter 1330-01

Ms. Fine presented a redlines version of the Board's Rules, with recommended changes in follow-up to the legislatively mandated retrospective rule review under 2021 PC328 that was conducted.

There were several instances of basic housekeeping updates discussed to be made, including grammatical, typographical, and numbering items, in addition to specific rule changes recommended by the Department of Health.

Multiple rule sections throughout the current rules were presented for review by Ms. Fine, with proposed language changes drafted for Board review. The Board reviewed through the entirety of the proposed changes throughout the rule package.

The Board discussed the inclusion of language requiring licensees to hold and maintain active NBRC credentials. They inquired about the possibility of conducting an NBRC credential audit in conjunction with the CE Audit, and if that would be administratively feasible. Ms. Wallace noted the Board would need to determine the policy and procedures for carrying out the audit and any actions to be taken after finding an individual was not holding active NBRC credentials.

Ms. Fine discussed historical aspects of the accrediting bodies listed in the current rules, and the changes and successors that have existed.

Ms. Fine noted the Board could consider drafting a list of actions they would consider to be defined as unprofessional conduct to be added to Rule 1330-01-.15 or to Rule 1330-01-.2 by expanding the section title to include all aspects of unprofessional conduct, not just in advertising matters.

The Board thanked and appreciated Ms. Fine for the work she performed in the redlines version. Mr. Powell would like information from Ms. Fine on how other Boards define unprofessional conduct.

The Board discussed Rule 1330-01-.22 ABG Endorsement and its historical inclusion as a rule,

noting that ABG is a requirement for all respiratory licensees.

The Board discussed at what point is an individual eligible to perform an ABG. Ms. Fine referenced T.C.A. 63-27-102(4)(B).

A motion was made by Mr. Powell

To approve submission of the rules changes and redlines as discussed, in addition to requesting the Board revisit the ABG Endorsement and Unprofessional Conduct sections of the rules.

With a second made by Ms. Christmon

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Conference/Event Reports and Upcoming Events Review

Mr. Farmer and Mr. Davis attended the TSRC conference recently. Mr. Farmer noted new technology that was presented regarding the identification and treatment of certain lung cancers as being a highlight of the event. He also mentioned work that therapists are performing around the state when patients are experiencing ventilator related events and the early detection and prevention of those events, that has resulted in cost-savings for hospitals. He would like to see more in-person attendance at the events.

Mr. Davis discussed sessions involving improper diagnosis and financial losses that emerged during the pandemic, staff shortages, and patient safety code updates. Another session noted that lung cancer rates have dropped and survival rates have increased over the last few years.

Discuss Old/New Board Business

There were no old or new Board Business items for the Board to review that were not otherwise covered under other items on the agenda.

Review of Correspondence and Notices

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

Public Comment

A new policy has been implemented which will require that any individual wishing to make a public comment at a board meeting to submit a request to do so in writing at least ten (10) business days prior to the date of a meeting. This notice must be submitted by email to the Administrative

Office and must include the specific topic from the published agenda/sunshine notice for the meeting for which the individual wishes to make comment. Should the agenda be amended after initial publication, the member of the public wishing to address the Board 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

Adjourn

There being no further business to be heard,

A motion was made by Mr. Rooks to adjourn.

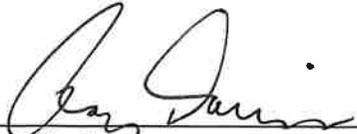
A second was made by Ms. Christmon

Discussion: None OR As Follows

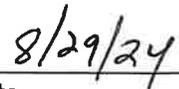
The motion passed unanimously by voice vote.

The meeting adjourned at 12:17pm CST.

These Minutes were ratified by the Board on August 29, 2024.



Board Chair



Date