

## **Board of Respiratory Care Minutes**

**Date:** February 4, 2010

**Time:** 10:00 C.S.T.

**Location:** Iris Conference Room, Ground Floor  
227 French Landing Drive  
Heritage Place, Metro Center  
Nashville, TN 37243

**Members Present:** Candace Partee, Chair  
Gene Gantt  
Teresa Hatcher  
Delmar Mack, Ed.D.  
Colleen Schabacker

**Members Absent:** Darryl Jordan, M.D  
Roger Major, Secretary

**Staff Present:** Marva Swann, Board Director  
Mary Webb, Board Administrator  
Shiva Bozarth, Deputy General Counsel  
Elizabeth Miller, Director, Health Related Boards  
Juanita Stone, Disciplinary Coordinator

**Guests Present:** Christy Allen, Assistant Commissioner, Dept of Health  
John Williams, Tennessee Society for Respiratory Care  
Mike Harkreader, Director, Tennessee Professional Assistance Program

With a quorum being present, Candace Partee, Chair, called the meeting to order at 10:00 a.m.

### **Office of General Counsel**

#### Rules

Changes to 1330-01-.02, .12, .15 and .19 were sent to the Attorney General's Office on June 20, 2009 and will be monitored to keep them moving forward.

#### Litigation

Currently there are eleven (11) cases open in the Office of General Counsel pertaining to the Board of Respiratory Care. Mr. Bozarth presented a process for the Board's consideration of expediting pending cases. He recommended that there be a minimal level of investigation when a complaint is first received, then a legal report be presented to the Board outlining the basic facts of each case for the

Board's recommendations without divulging the names of the respondents. After discussion, Mr. Gantt made a motion seconded by Ms. Schabacker that for each complaint a Board member is to be contacted for guidance and then a legal report of the complaint is to be anonymously be presented to the Board for recommended action. The motion carried.

### **Consent Order**

**Vincent G. Lemay, RRT**—Mr. Bozarth presented a Consent Order for Vincent G. Lemay. Mr. Lemay has agreed that his license to practice respiratory care be placed on probation for a period of five (5) years and must obtain and maintain the advocacy of the Tennessee Professional Assistance Program (TnPAP) for a period of five (5) years. After discussion, a motion was made by Ms. Schabacker seconded by Dr. Mack to approve the Consent Order. The motion carried. The Board recommended that a requirement for direct supervision of the licensee be included in future orders of this type.

### **Approval of Minutes**

Ms. Partee made a motion seconded by Mr. Gantt to approve the minutes from the October 13, 2009 task force meeting as amended. The motion carried.

Ms. Schabacker made a motion seconded by Dr. Mack to approve the minutes from the November 17, 2009 meeting as amended. The motion carried.

### **Investigation and Disciplinary Reports**

Juanita Stone, Disciplinary Coordinator, presented the Investigative and Disciplinary reports. There were eleven (11) RRT complaints. Five (5) were closed by referral to the Office of General Counsel, leaving six (6) open complaints. There were eight (8) CRT complaints. Six (6) were closed, three (3) with no action and three (3) by referral to the Office of General Counsel leaving two (2) open complaints. There are nine (9) RRT's, eleven (11) CRT's, and one (1) RCA currently being monitored after Board discipline.

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

Mike Harkreader, Director of Tennessee Professional Assistance Program (TnPAP), submitted the report for the period of July 1, 2009 through December 31, 2009. Six (6) practitioners were being monitored. There were seven (7) referrals, five (5) from the Board and two (2) from the employer. One (1) referral signed a monitoring agreement. Five (5) referrals were made for history of arrest/illegal drug use/DUI, one (1) for substance abuse/dependence, and one (1) for unprofessional conduct.

During this period, five (5) practitioners were discharged from the program, one (1) because monitoring was deemed unnecessary, one (1) who successfully completed the monitoring agreement and three (3) who refused enrollment and were reported to the Department of Health.

### **Agreed Citations**

Agreed Citations were presented to the Board for the following licensees due their failure to properly maintain sufficient continuing education requirements in violation of Tenn. Code Ann. § 63-27-109. They have agreed to submit to the Board within ninety (90) days proof of completion of deficient continuing hours plus five (5) penalty hours and a civil penalty of one hundred dollars (\$100.00).

TRACEY TATE  
BRENDA STACKER  
PAMELA LEWIS  
NICOLE BLACK  
CALVIN SPLAWN  
TANDIWE CALVIN  
THOMAS STACY  
LISA WILLIS-TAYLOR  
AMY MONROE WILSON

MOSTAFA TAHERI  
JANEY SMITH  
PATTI JOYNER  
DELANO JAMES  
WILLIAM ESTES  
CAROL THURMAN  
GARY K. RIGGS  
ANGELA RUCKER

After review, a motion was made by Ms. Schabacker seconded by Dr. Mack to accept the Agreed Citations as presented. The motion carried.

### **Applicant Interview/File Review**

- A. Lorenzo Short—Mr. Short appeared before the Board to present documentation that he had attended school following a DUI conviction. After discussion, Mr. Gantt made a motion seconded by Dr. Mack to approve Mr. Short for an upgrade from CRT to RRT. The motion carried.
- B. Natalie Howard—Ms. Howard appeared before the Board due to a DUI conviction. After discussion, Dr. Mack made a motion seconded by Mr. Gantt to approve Ms. Howard for an upgrade from CRT to RRT.
- C. Rose McQuiddy—Ms. McQuiddy was not present. Her file was presented to the Board due to prior discipline for a continuing education violation in Mississippi. After discussion, Mr. Gantt made a motion seconded by Ms. Schabacker to approve Ms. McQuiddy for licensure by reciprocity pending receipt of documented proof of the submission of forty (40) hours of continuing education to the Mississippi Board of Respiratory Therapy. The motion carried.
- D. Allie Porterfield—Ms. Porterfield submitted a letter requesting a waiver of her required continuing education credits for the years 2005 through 2007 due to hardship. Ms. Porterfield was audited for the years 2007 and 2008. After discussion, Ms. Schabacker made a motion seconded by Mr. Gantt to grant Ms. Porterfield a waiver of continuing education for the years 2007 and 2008. The motion carried.

### **Polysomnography Task Force**

Ms. Schabacker updated the Board on the progress of the Polysomnography Task Force Committee. The polysomnography endorsement application and amended polysomnography competency checklist have been completed. Mr. Bozarth will present proposed rules to the Board in May for the

authorization of a rulemaking hearing. Polysomnography Committee rules have been submitted to the Attorney General's office for review.

### **Ratifications**

A motion was made by Ms. Schabacker and seconded by Mr. Gantt to approve the following lists of initial and reinstatement applications for licensure. The motion carried.

#### **REGISTERED RESPIRATORY THERAPISTS**

##### **NEW LICENSES**

CHRISTOPHER JAMES ALEXANDER, SR  
LESLIE MARIE ASHCRAFT  
KATHY HOLDEN BOTHWELL  
NICHOLAS JAMES BUCKNER  
ANANT CHANDLER  
KATHLEEN ROBINSON CHRISTOPHER  
ISHA LATA COLBERT  
CHRISTIAN JOY COOK  
JANICE MARIE COPPER  
BRANDY NICOLE CORLEW  
KELLY DIANA DRABANT  
SELENA ABSHER EVANS  
LINDA MILEN FLETCHER  
PAIGE ALLISON FRASIER  
RONDA KAY FREEMAN  
WHITNEY ANNE GILLESPIE  
SCOTT THOMAS HAWN  
STEVEN T. HAYWOOD  
CAROL LYNNE HICKOK

WENDY GANT HICKS  
SHERITA DOUGLAS JACKSON  
SHALONDA YOUNG JACKSON  
KELLY JO JAMES  
TERESA RESPER MABRY  
ROSE MARIE NEELY MCKIDDY  
KELLY SUE MONDAY  
HEATHER DOUGHERTY MOORE  
JAMES KEITH PRICE  
ASHLEY PHIFER ROMITO  
JOY BOWMAN SHELTON  
BRITNEY ROSE SMITH  
NATASHA ALEXANDER STANLEY  
CHRIS RUSSELL TROMATORE  
MADDICI ASHFORD TWEEDIE  
KRISTEN SMITH WARD  
GRACE ALICE WARREN  
VICTORIA ASHLEY WHITT

##### **REINSTATEMENTS**

JANIS L. MCMINN  
TONIA DANIELLE PEACOCK  
BRIAN L. PUGH

MARNETTE LASHUN TODD  
TRANG HUYNH WARNER

#### **CERTIFIED RESPIRATORY THERAPISTS**

##### **NEW LICENSES**

NICHOLAS JAMES BUCKNER  
FRANCESCA L. CLARK  
CAROLYN DIANE CYR  
DIONNE O'DAY DANDRIDGE  
LINDSAY LAURA-GRAY GIDDINGS  
TAMARA DENISE LANDSEN

DRISTI DE VAUGHN MAY  
MARTHA NJERI MWANGI  
CORY DORRELL ROOKS  
DONNA GELTNER SCHAEFER  
KAREN BEATA SIMMONS

REINSTATEMENTS

BENTON EARL ROBERTS

**Administrator’s Report**

Ms. Webb presented the following licensure status report:

As of February 1, 2010 the numbers of active licensees were:

- RRT—2592
- CRT—1834
- RCA—24

Board activity totals from November 14, 2009 through February 1, 2010

RRT	CRT
New licenses—38	New licenses—11
Reinstated—5	Reinstated—1
Retired—3	Retired—10
Failed to Renew—12	Failed to Renew—29

Board Members

The Hospital Administrator position is still vacant. All other positions are filled.

Financial Report

Christy Allen, Assistant Commissioner, presented the Board’s financial status. For the fiscal year 2009, the Board had total revenue of \$341,149.74 with expenditures to date of \$60,340.47. Calculations for total indirect expenditures were not complete as of the meeting date. The report will be updated with the final figures at the next meeting, at which time the Board will discuss fee increases if necessary to maintain financial solvency.

**Adjournment**

There being no further business, the meeting was adjourned at 11:50 a.m.

**These minutes were ratified at the June 25, 2010 meeting.**