

**Board of Respiratory Care  
Minutes**

**Date:** February 14, 2008

**Time:** 9:00 a.m., C.S.T.

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

**Members Present:** Billy Alred, Chair  
Gene Gantt  
Roger Major  
Candace Partee, Secretary  
Colleen Schabacker  
Delmar Mack, Ed.D.  
Darryl Jordan, M.D.  
Timothy McGill

**Members Absent:** None

**Staff Present:** Marva Swann, Unit Director  
Mary Webb, Board Administrator  
Ernie Sykes, Advisory Attorney  
Juanita Stone, Investigations  
Elizabeth Miller, HRB Director

**Guests Present:** Mike Harkreader, Tennessee Professional Assistance Program  
John Williams, Tennessee Society of Respiratory Care

A quorum being present, Mr. Billy Alred, Chair, called the meeting to order at 9:05 a.m.

**Conflict of Interest**

Mr. Sykes informed the Board of their responsibilities under the Conflict of Interest Policy. Board members were asked to sign exhibit 4 of the policy in acknowledgement of their understanding of its content.

Mr. Sykes presented to the Board the Office of General Counsel Report as follows:

## Office of General Counsel

### Rule(s)

1. *Stays and Reconsiderations, Delete ABG Course Requirement* [1330-1-.19, .22] – (06-1072) The rulemaking notice was filed and the rule went to hearing on April 25, 2006. The Board approved the amendment on May 23, 2006, and it was sent to the Attorney General on July 28, 2006. It became effective May 30, 2007.
2. *Fee Increase* [1330-1-.06] – (06-1533) The rulemaking notice was filed and the rule went to hearing on January 4, 2007. The Board approved the amendment on February 15, 2007, and it was sent to the Attorney General on March 16, 2007. It became effective October 1, 2007.
3. *Use of Titles, Continuing Education, Disciplinary Conditions, Board Consultants* [1330-1-.02, .12, .15, .19] – The Board on November 15, 2007 authorized a rulemaking hearing. The rule still awaits departmental approval before it goes to rulemaking hearing, which is tentatively scheduled for May 22, 2008.

### Litigation

OGC currently has two open disciplinary cases pertaining to the Board of Respiratory Care. Both cases had been on the docket for today's meeting, but were continued by Judge Marion Wall on the motions of the respective respondents. Both cases are now set for hearing at the Board's next regularly scheduled meeting, May 22, 2008.

### Order of Compliance

Amelia Frye, CRT License #1002

Ms. Colleen Schabacker and Mr. Gene Gantt recused themselves and exited the conference room when Ms. Frye appeared before the Board.

Mr. Ernest Sykes, OGC Board Attorney, presented to the Board an Order of Compliance

On February 14, 2008, Ms. Frye appeared before the Board, pursuant to a petition for an Order of Compliance, and has proven to the satisfaction of the Board that the provisions of the underlying adverse licensure action taken on May 25, 2005 have been complied with. Ms. Frye is therefore entitled to the relief for which the petition was filed.

Ms. Frye is relieved of any further responsibilities under the previously issued Order and her license shall be restored to unencumbered status. A motion was made by Ms. Partee and seconded by Dr. Mack to approve the Order of Compliance. The motion carried.

## **Topics for Discussion**

Mr. Sykes presented to the Board for their review a policy statement as requested at the November 15, 2007 meeting, that applicants with stale misdemeanor convictions of ten (10) years or older do not need to appear before the Board.

## **Audits**

Ms. Swann informed the Board that 5% of all licensees will be audited each month starting in the near future. The Administrative office requested guidance as to the requirements for those licensees who have submitted inadequate continuing education.

Ms. Schabacker stated a lot of therapists do not realize what the continuing education requirements are expected. Ms. Schabacker proposed sixty (60) days to allow therapists to submit additional contact hours if they do not submit correct amount of contact hours. For licensees who do not submit anything at all they are to be reported to the office of investigations. A motion was made by Ms. Schabacker and seconded by Ms. Partee to accept this proposal. The motion carried.

Ernie Sykes, OGC Attorney, advised the Board that they should make this a policy statement.

## **New Application**

Ms. Candace Partee recommended that a new application be developed for those licensees who were upgrading from a certified therapist to a registered therapist. Ms. Partee went on to state that the licensee should not have to complete the entire packet since most of this information was submitted for original licensure.

Ms. Partee made a motion and Mr. Gene Gantt seconded that the new application should only require the licensee to submit the NBRC confirmation, criminal background check, other state license verifications not previously submitted, and pay a \$30.00 upgrade fee. It was also recommended that on the bottom of the application there would be a statement that the certified license should be retired.

Mr. Gantt asked the Administrative office in the future to inform Board Members before any mail outs so that if therapists have any questions they would be able to answer them. The Administrative office agreed to inform the Board in advance when a mail out is done.

## **Approval of Minutes**

A motion was made by Ms. Schabacker and seconded by Ms. Partee to approve the minutes of the November 15, 2007 board meeting as amended.

## **Applicant Interviews/File Reviews**

Marnie Muse - Ms. Muse appeared before the Board to explain a conviction of simple battery in 2001. Ms. Muse stated that it was a misunderstanding that resulted in her sister calling the police. A motion was made by Ms. Partee and seconded by Mr. Gantt to approve Ms. Muse for licensure. The motion carried.

Adrienne Cage – Ms. Cage appeared before the Board to explain a domestic abuse charge in January 2006. Ms. Cage stated that she was in an abusive relationship that led to the charge which was later dismissed. A motion was made by Ms. Partee and seconded by Ms. Schabacker to approve for licensure. The motion carried.

Shenita Russell – Ms. Russell's file was brought before the Board because she was charged with passing bad checks under \$500.00 in 2001. A motion was made by Ms. Partee and seconded by Ms. Schabacker to approve for licensure. The motion carried.

Denise Garrett – Ms. Garrett appeared before the Board to explain a forgery conviction up to \$1,000.00 in 2001. Ms. Garrett stated that she was found guilty by association because she was with a friend who passed the worthless check. A motion was made by Dr. Jordan and seconded by Dr. Mack to approve for licensure. The motion carried.

Kecia Clark – Ms. Clark appeared before the Board to explain a conviction of passing bad checks \$500.00 or less in 2007. Ms. Clark stated that she unintentionally wrote a worthless check due to bad check balancing. A motion was made by Ms. Schabacker and seconded by Ms. Partee to approve for licensure. The motion carried.

## **Investigations and Disciplinary Report**

Juanita Stone presented the disciplinary and investigative report. There was an initial carryover of five (5) RRT complaints from December 2006 with six (6) new complaints received. Making a total of eleven (11). Two (2) were closed; and of that total one (1) was closed with a letter of warning; one (1) was referred to OGC, and one (1) was referred to a screening panel, leaving a total of six (6) open cases.

There was an initial carryover of ten (10) CRT complaints from December 2006 with four (4) new complaint received. Making a total of fourteen (14). Two (2) were closed; and of that total one (1) was referred to the Office of General Counsel and one (1) with a letter of concern, leaving a total of twelve (12) open cases.

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

Mr. Mike Harkreader, Director of Tennessee Professional Assistance Program (TNPAP) presented the report. There were five (5) referrals to Tennessee Professional Assistance Program (TNPAP) for the period of July 1, 2007 thru December 31, 2007. Four (4) were referred by the Board. One (1) was from a Treatment Provider. All five (5) referrals had a history of arrest/illegal drug use/DUI. One (1) signed a monitoring agreement making a total of seven (7) being monitored at this time; also for this period there were five (5) discharged; three (3) did not require monitoring; one (1) was non compliant and was referred to the Tennessee Department of Health; and one (1) was successfully completed.

Mr. Harkreader informed the Board that it was time to renew their TNPAP contract. Mr Harkreader explained to the Board all of the services that TNPAP provides for the Board of Respiratory Care. A motion was made by Ms. Partee and seconded by Ms. Schabacker to approve the new TNPAP contract. The motion carried.

Mr. Harkreader confirmed to the Board that TNPAP will present a free seminar; however, it is not available for continuing education credits at this time.

**Administrator’s Report**

Ms. Mary Webb presented the Administrator’s report as follows:

**STATISTICAL REPORT**

Following are the total active licensees, retired licensees, and failed to renew licensees as of January 2008.

<b>RRT</b>	<b>CRT</b>	<b>RCA</b>
Active Licensees – 2243	Active Licensees – 2028	Active Licensees – 31
Retired Licensees – 294	Retired Licensees – 445	Retired Licensees – 29
Failed to Renew – 714	Failed to Renew – 1464	Failed to Renew – 91

**STATUS TOTALS FROM THE NOVEMBER 16, 2007 TO FEBRUARY 12, 2008**

<b>RRT</b>	<b>CRT</b>
<b>Newly Licensed –69</b>	<b>Newly Licensed – 32</b>
<b>Reinstated - 6</b>	<b>Reinstated – 6</b>
<b>Retired - 8</b>	<b>Retired –29</b>
<b>Failed to Renew - 23</b>	<b>Failed to Renew -46</b>

*In January 2008 out of 160 respiratory care practitioners renewing, 100 renewed online.*

**Financial Report**

Ms. Marva Swann presented the financial report to the Board and explained that Lisa Tittle could not be present today to give an indepth presentation to the Board. As of June 30, 2007 the Board of Respiratory Care has a cumulative carryover of -\$28,998.28. Ms. Schabacker requested a financial report that is more current in the future.

## **Ratifications**

A motion was made by Ms. Partee and seconded by Dr. Jordan to approve the following applicants for Initial Registered Respiratory Therapists, Initial Certified Respiratory Therapist, Reinstated Registered Respiratory Therapists, and Reinstated Certified Respiratory Therapists. The motion carried.

### **Licensed Certified Respiratory Therapist**

Cynithia Adams  
Felicia Baker  
Hunter Steven Bell  
Dorothy Wetzel Bobo  
Jennifer Ann Butler  
Susan Michelle Carter  
Kalisa Irene Dixon  
Vonda Ballou Fields  
Ashley Marie Grape  
Candace Lee Gray  
Jenice Dion Hawkins  
Kendra Hodges-Menard  
Kattie Ikponmwosa Irowa  
Erica Tutt Lattimer  
Kweli Taylor Lee  
Tonya Denise Lee  
Delrena Grace Lucas  
Amanda Lashbrook Martin  
Jared Andrew Martin  
Sarah Murphy Martin  
Kristin Leigh McElyea  
Sonia Denise McWilliams  
Lynleigh M. Moore  
Arthea Cobb Muhammad  
Tanya Rogers Owens  
Tiffany Jean Prescott  
Christina Rhea Rikard  
Marco Rogers  
Brittany Dione Smith  
Amanda Kiser Statzer  
Alma Rosa Suarez  
Elizabeth Greer Thorpe

**Reinstated Licensed Certified Respiratory Therapist**

Patricia Ann Anderson  
Lasheena Williams Harris  
Jacqueline Heath  
Steve W. Miracle  
Christopher Ernest Schlecht  
Rhonda S. Tawwater

**Licensed Registered Respiratory Therapist**

Emily Henry Abrams  
Amy Lancaster Adams  
Jyoti Anand Arelli  
Travis Malcom Asher  
Pamela Bunjevac Ballinger  
Steven M. Bohanan  
Tina Durham Brewer  
Joaquina Gudger Burruss  
Kimberly Antoinette Campbell  
Lisa Renee Carter  
Ameisha Perry Childs  
Shawn Paul Coggins  
Judy Coleman Cole  
Lesley Barnett Coleman  
Jessica Vinson Davidson  
June Cook davis  
Jennifer Arendall Deberry  
Michael Wayne Douell  
Amanda Yarbrough Dye  
Donna Fleming  
Eric Ryon Foster  
Mark Edward Gass  
Shannon Gibson  
Connie Guthrie Guyor  
Troy Dale Hamm  
Yevonne Carol Harrison  
Leeann Necessary Hatcher  
Mary Ruth Helton  
Rhonda Kendrick Hicks  
Beverly L. Hildenbrandt  
Christopher Paul Hoskins  
Jimmie Meyers Jones  
D'Ann Butler Jordan  
Katrina Curtis Lane  
Larrell Undra Leigh

**Licensed Registered Respiratory Therapist Continued**

Lashonda McDonald Lesure  
Kimberly McKay Marzette  
Kimberly Ann Mocerri  
Patrick Jeremy Nelson  
Barbara Jennings Nitrio  
Lynn Cullen Nunally  
Erin Lynn Ozment  
Kendice Stoner Panter  
Zendral Charlsie Peeks  
Cindy Smithson Poole  
Saundra Halcomb Reynolds  
Michael Kevin Ryan  
Edna Spivey Scantland  
Thomas G. Scoggin  
Kevin Lance Shaw  
Carol Battaglia Sherrill  
Jeffrey Michael Smialek  
Sandra Hufstedler Smith  
Jonathan David Stafford  
Thomas James Stafford  
Josh Coleman Stanfill  
Deborah Stenger  
Jonathan Cawley Thompson  
Alicia Click Urich  
Elizabeth Nester Wade  
Tobi Ducey Whitten  
Maranda Lavergne Wilkerson  
Kameela Esikee Williams  
Sandra Loraine Williams  
Veronica Melissa Williams  
Jennifer Dillion Wilson  
Keiven T. Wright  
Nicole Wright  
Thomas Charles Zichko

**Licensed Reinstated Registered Respiratory Therapist**

William R. Agnew  
Peggy Q. Bologna  
William Edward Byrd  
Jerry Carson  
John B. Lambert  
Leo L. Morin

There being no further business, the meeting was adjourned at 11:40 am.

These minutes were ratified at the May 22, 2008 board meeting.