

**Board of Respiratory Care
Minutes**

Date: May 22, 2008

Time: 9:00 a.m., C.D.T.

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

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

Staff Present: Marva Swann, Unit Director
Mary Webb, Board Administrator
Karen Robinson, Board Meeting Administrator
Ernie Sykes, Advisory Attorney
Denise Moran, J.D., BIV Director
Elizabeth Miller, HRB Director
Sandra Sturgis, Special Assistant to Commissioner

Guests Present: Mike Harkreader, Tennessee Professional Assistance Program
John Williams, Tennessee Society of Respiratory Care
Dr. O'Bromo, Vanderbilt
Cheryl Burney-Jones, Vanderbilt
Chris Lynn, Vanderbilt

A quorum being present, Mr. Billy Alred, Chair, called the meeting to order at 9:04 a.m.

Office of General Counsel

Conflict of Interest:

Mr. Sykes presented and discussed the Conflict of Interest Policy and reminded the Board Members of their responsibilities under the policy.

Consent Orders

Mr. Sykes presented and explained the two (2) following consent orders to the Board;

Bob G. Neely, R.R.T. License # 1275

Mr. Neely was granted a license to practice as a registered respiratory therapist in the State of Tennessee by this Board on August 25, 1992. In October 2005, he applied for reinstatement of his license after it had been expired. As a part of the reinstatement application, he was required to submit proof of having obtained continuing education during the time his license was lapsed. The documentation submitted by Mr. Neely had been altered; and as a result he was requested to appear before the Board. On November 17, 2005, Mr. Neely appeared before the Board and the Board approved his reinstatement of license pending a favorable evaluation from the Tennessee Professional Assistance Program (TNPAP). On December 4, 2005, Mr. Neely signed an agreement with the Board which required him, as a "precondition to your possible reinstatement," to submit to an evaluation by (TNPAP) and thereafter follow any recommendations made by (TNPAP). On December 13, 2005, Mr. Neely submitted to an evaluation with (TNPAP) and a recommendation was made that he sign an eighteen (18) month contract. On January 4, 2006, Mr. Neely signed an eighteen (18) month monitoring contract with (TNPAP). On January 9, 2006, Mr. Neely's license was reinstated with the Board. In a letter dated July 13, 2006, (TNPAP) notified the Board that Mr. Neely had moved from the State of Tennessee to the State of New Mexico and accepted a licensed position, and was therefore out of compliance with his (TNPAP) contract. With this Consent Order Mr. Neely (aka Respondent) agrees to the following:

- (a) Respondent must within sixty (60) days of the date of the Order submit to a new evaluation by TNPAP.
- (b) Respondent must within sixty (60) days of the date of this Order execute a new monitoring agreement with TNPAP, during the course of which agreement Respondent must follow any and all reasonable recommendations made by TNPAP
- (c) The duration of Respondent's monitoring agreement with TNPAP can be no less than eighteen (18) months; but, the monitoring agreement can be for greater than eighteen (18) months if TNPAP in its discretion chooses to require a longer monitoring agreement.
- (d) Respondent is assessed two (2) Type B Civil Penalties, one in the amount of Five Hundred Dollars (\$500.00), and the other in the amount of Two Hundred Fifty Dollars (\$250.00) for a total amount of Seven Hundred Fifty Dollars (\$750.00).
- (e) Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke, or modify Respondent's license after due notice and hearing.
- (f) This is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and /or similar agency.
- (g) Pursuant to Rule 1330-1-.15(3), the disciplinary action hereby assessed against Respondent may not be lifted until and unless Respondent petitions for an Order of Compliance and appears before the Board.
- (h) Any and all civil penalties shall be paid in full within sixty (60) days upon ratification of this Agreed Order.

Respiratory Care
May 22, 2008

After discussion, a motion was made by Dr. Mack and seconded by Mr. McGill to accept the Consent Order with Ms. Schabacker, Ms. Partee, and Mr. Major recusing themselves. The motion carried. The Consent Order for Mr. Neely was accepted.

Connie Akins, C.R.T. License # 1474

Ms. Akins was granted a license to practice as a respiratory care therapist in the State of Tennessee by this Board on October 4, 1993 which will expire on May 31, 2009. Ms. Akins was employed as a respiratory therapist at NHC Healthcare Fort Sanders from March 11, 2002 until she was terminated on September 6, 2006. During the course of Ms. Akins' employment, she developed an inappropriate personal relationship with a patient under her care. Ms. Akins has not worked as a respiratory therapist since the date of her termination from NHC Healthcare Fort Sanders. With this Consent Order Ms. Akins (aka Respondent) agrees to the following:

- (a) The license of Respondent to practice as a respiratory therapist in Tennessee pursuant to the authority vested in the Board under Tenn. Code Ann 63-27-101, *et. seq.* shall be and hereby is deemed to have been suspended retroactively from September 6, 2006 until the date on which this Consent Order is ratified by the Board;
- (b) This retroactive Suspension is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPD).

After discussion, a motion was made by Ms. Schabacker and seconded by Ms. Partee to reject the Consent Order for Constance Akins. All members present voted to approve the motion and reject the Consent Order for Constance Akins with the exception of Dr. Mack who voted to approve. The motion carried. The Consent Order for Ms. Akins was rejected.

OGC Report

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

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. The hearing has now been postponed twice pending in-house approval of the justification memo submitted December 14, 2007, and will be submitted at the next scheduled meeting.

Respiratory Care
May 22, 2008

Litigation

OGC currently has ten (10) open disciplinary cases pertaining to the Board of Respiratory Care. Two (2) of these cases are before the Board today in the form of Consent Orders.

Discuss and Take Action on Private Letter Advisory Ruling

Consideration of and vote on advisory opinion per the request of Cheryl Burney – Jones of Vanderbilt on this issue:

Whether – and, if so, to what extent – Tennessee-licensed respiratory care practitioners are permitted within their scope of practice to initiate and manage intravenous access to Level 1 Pediatric Trauma transport patients.

After extensive discussion, a motion was made by Ms. Partee and seconded by Mr. Gantt to approve with the following amendments:

- define management of intravenous access
- require that RRT must have documented training to provide services
- remove level 1 from description of trauma patients.

The motion carried. Ernie Sykes is to draft a letter of response.

Discuss the minimum standards for ventilator care in rehabilitation facilities

It was determined that the Board for Licensing Health Care Facilities is the appropriate agency to address this issue by regulation.

Discuss the Emergency Medical Services Ventilation Care

The Board requested that a discussion of Emergency Medical Services ventilation care and CPAP be sunshined to the next meeting.

Investigation and Disciplinary Reports

Ms. Denise Moran, Director of Investigations, presented the RRT investigative report. Fifteen (15) complaints were carried over from 2007. One (1) new complaint was received in January for a total of sixteen (16). Of this number eleven (11) were closed leaving a total of five (5) open complaints. Four (4) were closed with no action, two (2) with a letter of concern, one (1) with a letter of warning, three (3) referred to OGC, and one (1) closed pending court action.

Ms. Moran also presented the CRT investigative report. Eleven (11) complaints were carried over from 2007. One (1) new complaint was received in January 2008 and one (1) in March for a total of thirteen (13). Nine (9) complaints were closed leaving a total of four (4) open complaints. Two were closed (2) with no action, one (1) with a letter of concern, one (1) with a letter of warning, and five (5) referred to OGC.

The Office of Investigations is currently monitoring twenty (20) respiratory care practitioners. Eleven (11) are on probation, two (2) with suspended licenses, two (2) under Board orders, and five (5) with revoked licenses.

Tennessee Professional Assistance Program (TNPAP) Report

Mr. Mike Harkreader, Director of Tennessee Professional Assistance Program (TNPAP), presented the report. This report represents the statistics for the period of July 1, 2007 thru March 31, 2008. Two (2) practitioners signed monitoring agreements and six (6) referrals were received. Source of the referrals were four (4) from the Board, one (1) from an employer, and one (1) from a treatment provider. Reasons were five (5) for history of arrest/illegal drug use/DUI and one (1) for positive use of drugs in the workplace.

An overview of respiratory practitioner involvement with TNPAP during this period is as follows: two (2) are in treatment participation, eight (8) are being monitored, seven (7) discharged with three (3) discharged due to monitoring being unnecessary, three (3) discharged for noncompliance and reported to the Tennessee Dept of Health (TDOH), and one (1) discharged after successful completion of the program.

Applicant Interviews/File Reviews

Kesi Wilburn - Ms. Wilburn appeared before the Board to give explanation of conviction for traffic violation/assault charges dated 8-18-00 and 11-17-00. After discussion, a motion was made by Ms. Schabacker and seconded by Ms. Partee to approve Ms. Wilburn for licensure. The motion carried.

Lorenza Short - Mr. Short appeared before the Board to give explanation of convictions dated 5/12/07 DUI/assault, 7/29/05, and aggravated assault 1/24/80. After discussion, a motion was made by Dr. Jordan and seconded by Dr. Mack with Mr. Major recusing himself, to table the upgrade until final resolution of the cases are submitted to the Board. The motion carried.

Denny Hensley - Mr. Hensley appeared before the Board to give explanation of a conviction for aggravated assault 4th degree dated 2/4/04. After discussion, a motion was made by Ms. Partee and seconded by Ms. Schabacker to approve Mr. Hensley for licensure. The motion carried.

Ronald Longo - Mr. Longo appeared before the Board to give explanation of convictions for marijuana poss/DUI dated 6/2/01. After discussion, a motion was made by Ms. Partee and seconded by Ms. Schabacker to approve Mr. Longo for licensure. The motion carried.

Lucy Cox - Ms. Cox appeared before the Board to give explanation of convictions dated 5/22/97 for Theft and 5/10/02 Deceptive practices. After discussion, a motion was made by Dr. Jordan and seconded by Dr. Mack to approve Ms. Cox for licensure with Mr. Major recusing himself. The motion carried.

Jeremy Gentry - Mr. Gentry appeared before the Board to give explanation of convictions dated 3/24/00 for DUI/Carrying or Possession of Weapon/Possession of open container of beer. After discussion, a motion was made by Ms. Schabacker and seconded by Ms. Partee to approve Mr. Gentry for licensure. The motion carried.

Gail Kiser – Ms. Kiser’s file was presented to the Board to give explanation of convictions dated 1976 for Forgery, 1999 DUI and 2006 DUI. After discussion, a motion was made by Ms. Schabacker and seconded by Mr. McGill to request that Ms. Kiser appear before board to submit more information on charges. The motion carried.

Approval of Minutes

A motion was made by Dr. Mack and seconded by Ms. Schabacker to approve the minutes for February 14, 2008 as amended. The motion carried. After discussion, a motion was made by Ms. Schabacker and seconded by Dr. Jordan to table approval of the task force meeting minutes of February 26, 2008 and April 22, 2008, until the next task force meeting. The motion carried.

Contact Hour Audit

Ms. Swann, informed the Board that 5% of all respiratory license renewals are being audited each month.

Ms. Schabacker stated that a lot of therapists do not realize that continuing education requirements are expected. Ms. Schabacker proposed sixty (60) days to allow licensees to submit additional contact hours if they fail to submit enough and for licensees who fail to respond to the request for contact hour documentation that they 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.

Administrative Report

Ms. 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.

RRT	CRT	RCA
Active Licensees- 2316	Active Licensees- 1959	Active Licensees- 30
Retired Licensees- 303	Retired Licensees- 515	Retired Licensees- 29
Failed to Renew- 725	Failed to Renew- 1486	Failed to Renew- 91

STATUS TOTALS FROM FEBRUARY 13, TO MAY 14, 2008

RRT	CRT
Newly Licensed – 94	Newly Licensed – 27
Reinstated - 56	Reinstated – 05
Retired - 13	Retired – 71
Failed to Renew - 13	Failed to Renew - 30

There were a total of 246 practitioners who renewed their license on line during this period.

Respiratory Care
May 22, 2008

Financial Report

Ms. Swann presented the financial report with a projective cumulative carryover of -28,998.28 as of June 30, 2007.

Lisa Title, Finance Administrator, could not be present as requested due to the death of her son. Ms. Schabacker extended the Board's condolences to Ms. Tittle for the loss of her son.

Ratifications

A motion was made by Mr. McGill and seconded by Ms. Partee to approve the following Initial RRT and CRT Licensees and Reinstatements for licensure. The motion carried.

Initial Registered Respiratory Therapist

Jason Hugh Armes	Debra McQueen Abbott	William Aaron Andrews
Angela Jackson Bard	Timothy D. Bicknell	Brittany Smith Binkley
Jennifer Chism Blackwell	Patricia A. Borrelli-Bark	Jennifer Johnson Brewer
Mandi Jane Britt	Dottie Runions Broughton	Stephanie Ya' Fe Bumper
Rachel Dawn Carrier	Kecia Lenell Clark	Carey McNeil Collins
Melanie Garrison Crook	Stephanie J. Curde	Jennifer R. Davis
Chad Ryan Defriece	Brian Jeffrey Dennis	Kathryn Lynn Downs
Mary White Dryden	Patrick Jacob Duffy	Cheryl Ann Duncan
Tracy Fox Edwards	Kimberly Kay Elmore	Dawn Hierholzer Ford
Kelli Jackson Foster	Dawn Rust Fritsch	Kimberly Suzanne Givens
Sherrie Carpenter Glandorf	Aundrea Brown Gravell	Ann Michele Hadley
Clara Barnum Hale	Diana Trump Hale	Thomas Lee Hale
Brandon Ray Hallmark	Salina Hardaway	Aaron Lee Harper
Amy Wilson Hatmaker	Kimberly Jenkins Haynes	Shelly Denny Hodges
Sylvia Allene Holt	William Ryan Huffines	Richard D. Hughes
Kacy Nicole Johnson	Rayford G. Johnson	Lashi U. Jones
Betty Newport Keeton	Monica Bourque King	Sharon Hopson Lawing
Gary Randall Laxton	Darya Long	Candace Griffin Mays
Emile M. McCay	Wendy Jerrell Miller	Deanna Souva Moore
Jason Michael Mounts	Philisha Duwana Muckle	Marnie King Muse
Lisa Poole Myrick	Gina Carol Newport	Janice Culbreath Nolan
Stephen Ronald Oran	Tanya Rogers Owens	Faith Wade Pate
Robert Eric Peiffer	Robert Pfeiffer	Jennifer Ruth Roberts
Melissa Blankenship Roberts	Charles Ronald Rogers, Jr.	Randy Edward Roth
Sarah Hutcheson Rowan	Tracy D. Selph	Lori Suzanne Sharp
Cheryl Lynn Sherry	William David Smith	Tia Dorcas Sneed
Emily Nicole Sowards	Carlos E. Stapleton	Mitzi Leverette Staszak
Rhonda Acklen Tawwater	Daniel George Terhark	Roger G. Thompson
Cortique Nate' Travis	Kimberlin Douglas Uhls	Mandi Hammac Vann
Mark Douglas Vanwinkle	Anthony Dewayne Vaughn	Carolyn Crain Vines
Richard Dwight Williams	Bruce Blair Wilson	Connie Easterwood Worden

Respiratory Care
May 22, 2008

Andrea Jean Wroblewski

Initial Certified Respiratory Therapist

Melissa Hopkins Begin
Elise Rayburn Bright
Adrienne P. Cage
Jessica Jones Delgrande
Chaka Nakia Hyde
Angela Cope Langley
Ashlee Pears Polly
Christopher A. Shaw
Takesha Nicole Williams

Meranda K. Benton
Rotarsher Brown
Elizabeth Margaret Campbell
Denise Rochea Garrett
John Aubrey Kennedy
Keisha Laverne Nance
Joshua Jackson Richardson
Joseph Clinton Smith
Celena Craig Woolfolk

Kelley Davison Branham
Vivian Kay Brown
Stephanie Hinton Caudillo
Anna Cona Goltz
William Gene Kirk
Angela Collins Nickles
Shenita Renee Russell
Rhonald Guy Ulmer, III
Lisa Noel York

Reinstated Registered Respiratory Therapist

Michael L. Bowling
Mary Elizabeth Riley

Elizabeth Britt
Joseph David Tidwell

Bryan E. Byrd

Reinstated Certified Respiratory Therapist

Jena S. Harris
Deborah A. Waters

Marie Story Moses
Rhonda Lee Woody

Kimberly D. Neal

New Application for Licensure Upgrade

The Board requested a draft of an application for licensure upgrade from Certified Respiratory Therapist (CRT) to Registered Respiratory Therapist (RRT) be presented at the next meeting.

With there being no further business, Mr. Alred called the meeting adjourned.

These minutes were ratified at the August 21, 2008 board meeting.