

## **Board of Respiratory Care Minutes**

**Date:** June 25, 2009

**Time:** 8:00 a.m., C.D.T.

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

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

**Members Absent:** Darryl Jordan, M.D.

**Staff Present:** Marva Swann, Board Director  
Mary Webb, Board Administrator  
Shiva Bozarth, Advisory Attorney  
Elizabeth Miller, HRB Director  
Juanita Stone, Investigations Coordinator  
Alison Cleaves, Deputy General Counsel

**Guests Present:** John Williams, Tennessee Society for Respiratory Care

With a quorum being present, Candace Partee, Chair, called the meeting to order at 8:11 a.m.

### **Conflict of Interest**

Shiva Bozarth advised Board members of their responsibilities under the Conflict of Interest Policy. They were asked to read and sign the policy if they had not previously done so.

### **Office of General Counsel Report**

Mr. Bozarth presented the following report from the Office of General Counsel:

#### **Rulemaking Hearing**

1. *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 received intradepartmental approval on September 24, 2008. The rulemaking hearing was held on February 26, 2009, and the rules were approved by roll-call vote. The rules have undergone

final intradepartmental review and will be sent to the Attorney General for approval in early June.

Ms. Schabacker recommended that the term polysomnography as it relates to the practice of respiratory care be added to the list of definitions in the board's rules. Mr. Bozarth will do some research of the statute as to whether this can be done and report his findings at the next meeting in August.

### Litigation

OGC currently has six (6) open disciplinary cases pertaining to the Board of Respiratory Care. A complaint review was scheduled for June 10, 2009.

### Approval of Minutes

Ms. Schabacker made a motion seconded by Mr. Gantt to approve the minutes from the February 26, 2009 board meeting as amended. The motion carried.

Mr. Bozarth was asked to follow-up on the letter requested to be drafted to the Polysomnography Committee at the February meeting regarding the acceptance of the Tennessee Society for Respiratory Care (TSRC) as a provider of continuing education for polysomnographers. Mr. Gantt made a motion seconded by Ms. Schabacker to include in that letter that the American Association of Respiratory Care (AARC) also be accepted as a provider of continuing education for polysomnographers. The motion carried. Mr. Bozarth will present a draft of the letter at the Board's next meeting in August.

Ms Schabacker made a motion seconded by Mr. Gantt to approve the minutes from the April 30, 2009 Teleconference as presented. The motion carried.

Ms. Schabacker made a motion seconded by Mr. Gantt to approve the minutes from the April 30, 2009 task force as presented. The motion carried.

### Investigation and Disciplinary Reports

Juanita Stone, Disciplinary Coordinator for the Bureau of Investigations (BIV), presented the RRT and CRT investigative and disciplinary reports. In June there were five (5) open RRT cases, three (3) RRT cases are being investigated and two (2) cases were closed with a letter of warning. There were six (6) open CRT cases; three (3) are still being investigated and three (3) are pending investigation. There are currently nineteen (19) respiratory practitioners being monitored after Board disciplinary action.

### Tennessee Professional Assistance Program (TNPAP) Report

Mike Harkreader, Director of Tennessee Professional Assistance Program (TNPAP), submitted the report. For the period of July 1, 2008 through March 31, 2009, four (3) practitioners were monitored. There were six (6) referrals received, four (4) from the Board and two (2) from the employer. Two (2) referrals signed a monitoring agreement. Two (2) referrals were made for history of arrest/illegal drug use/DUI, one (1) for substance abuse/dependence, two (2) for unprofessional conduct, and one (1) for a positive drug screening in the workplace.

During this period, ten (10) practitioners were discharged from the program, three (3) because monitoring was deemed unnecessary, one (1) noncompliant, one (1) refused enrollment, and five (5) upon their successful completion of the monitoring agreement.

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

- A. Kenneth Walker—Mr. Walker appeared before the Board due to his conviction on 7/18/04 for driving a vehicle while intoxicated. After discussion, Mr. Gantt made a motion seconded by Dr. Mack to approve Mr. Walker’s application for a CRT license. The motion carried.
- B. Katherine Chase—Ms. Chase appeared before the Board due to her felony conviction for theft on 9/21/92. After discussion, Ms. Schabacker made a motion seconded by Dr. Mack to approve Ms. Chase’s application for a CRT license. The motion carried.
- C. Merissa Barry—Ms. Barry was not present. The Board reviewed her application due to a conviction for reckless driving on 12/15/06. After discussion, Ms. Schabacker made a motion seconded by Mr. Gantt to approve the application to upgrade Ms. Barry’s license from CRT to RRT pending a favorable evaluation from TNPAP. Dr. Mack made an amendment to the motion that if the applicant could show proof that she had met all requirements imposed by Tennessee law after her conviction which included community service and a class on alcohol safety that she be granted an upgrade from CRT to RRT without additional conditions. The amendment failed. The original motion to approve Ms. Barry’s application to be upgraded from CRT to RRT pending a favorable TNPAP evaluation carried with Dr. Mack voting no.
- D. Cynthia Jones—Ms. Jones was not present. Her application was reviewed due to a conviction of evading arrest. Mr. Major recused himself. Dr. Mack made a motion seconded by Mr. Gantt to defer action on Ms. Jones’ application until she appears before the Board to give more information. The motion carried.

### **Senate Bill #726 Discussion**

Senate Bill #726 is an Act to amend Tenn. Code Ann. § 63-31-1, relative to polysomnography. 63-31-107 (a) (5) reads in part that: Respiratory therapists who provide polysomnography services shall be credentialed as a registered polysomnographic technologist by the Board of Polysomnographic Technologists, or as a sleep disorders specialist by the National Board for Respiratory Care, or have undergone a standardized, uniform mechanism to document competency in polysomnography as approved by the Tennessee Board of Respiratory Care with documentation of passage of such mechanism made available at the request of the Board of Respiratory Care. The Tennessee Board of Respiratory Care shall consult with the Tennessee Board of Medical Examiners in the development of such mechanism.

Ms. Schabacker made a motion seconded by Dr. Mack to set up a taskforce committee to develop the mechanism for competency in polysomnography. The motion carried. The taskforce members are Candace Partee, Colleen Schabacker, Roger Major, and Gene Gantt. It was recommended that a member of the Board of Polysomnography be invited to join the taskforce. It was suggested that the committee meet immediately following the Respiratory Care Board meeting in August.

## **Ventilator Taskforce Committee Report**

Mr. Gantt presented an update from the ventilator taskforce. The committee discussed the scope of practice for licensed practical nurses and respiratory therapists providing ventilator care in the home setting. A list was developed of practices considered to be acceptable. Since the list dealt primarily with the acceptable practice of LPNs providing ventilator care, the list will not be presented to the Board of Respiratory Care until the Board of Nursing has reviewed it.

Mr. Gantt had an informal meeting with Joe Phillips, Director of Emergency Medical Services, to discuss ventilator transports as it relates to EMS personnel. There is currently a program established in 2000 for the training and certification of EMS personnel doing inter-hospital ventilator transports. It is a sixteen (16) hour course with a four (4) hour lab. Mr. Phillips has been asked to help identify the personnel who have had this training and the places at which the training is being given. This course will eventually be replaced with the "Critical Care Paramedic Program" that will be taught in educational institutions.

The taskforce committee also discussed ventilator dependent patients in sleep labs. Mr. Bozarth was asked to request that a member of the Polysomnography Committee join the taskforce to help implement a policy regarding polysomnography personnel in sleep labs providing care to ventilator dependent patients.

## **Ratifications**

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

### **REGISTERED RESPIRATORY THERAPISTS**

#### **NEW LICENSES**

GARY JOSEPH ADAMS  
CHAD GREGORY ANDERSON  
MARY GAIL CREASY ANDERSON  
ANGEL MITCHELL ARNOLD  
THERESA MARIE BALTZ  
SCOTT LEWIS BATES  
MERANDA KAY BENTON  
ALAINA BUNTAIN BRAUN  
STEPHANIE SWANN BURRESS  
JACQUELINE SWANSON BUTRUM  
ASHLEIGH BROOKE CAMPBELL  
REEGAN REIFF CHINELLA  
SHERRY LYN COFFEY  
LUCY ROBIN COX  
DEBORAH BRICK CYP CAR  
KATHY SUE DAVIS  
LINDA WOJTYNA DEMPSEY  
TERESA JONES EDWARDS

HEATHER JO ELLISON  
MARLANA SHIRK FREISTHLER  
RENEE' MITCHELL GAINES  
KENNAN DAVID GRIFFIN  
ANTHONY WAYNE HALL  
SAMUEL GREGORY HANES  
MARTY ALLAN HARDIN  
AMANDA JO HAYES  
MATTHEW STEVEN HENRY  
MORRIS HILL  
COURTNEY WHITSON HOLT  
LESLIE BOWEN HOOD  
JENNIFER STURGILL HOPKINS  
ROBERT ELIHEW HOSKINS  
BELINDA DYKES HUNTER  
AMY SANDERSON JACKSON  
ERIN LYON KELLY  
KRISTEN NICOLE KENNEDY

SUSAN KLEMENS KNEESHAW  
DOYLE ANTHONY LAWSON  
DEREK DELMAR LESTER  
MELISSA MANNING MASSEY  
CORTNEY KING MAY  
JENNIFER SHELLEY MCCROSKEY  
LESLIE JANE MCKEE  
ADRIAN DYLANE MCKINNEY  
CAROL ANDERSON MCKINNEY  
TERRI LYNN MCQUIDDY  
JOY EDWARDS MOFFITT  
JULIE EATON MOORE  
SALEENA CLEMENT MORGAN  
CHAD NICHOLSON  
MARK EDWARD NOE  
KARRIE LYNN PAQUETTE

ALEXANDRIA SUZANNE PASQUA  
KATHLEEN G. PEREZ  
KIMBERLY SNIDER PHILLIPS  
JAMES DANIEL POTEET  
TIFFANY JEAN PRESCOTT  
ADRIAN DENISE QUALLS  
JAMES G. REED  
HOPE LYNN REEVES  
CATURA M RICHARDSON  
DAPHNE HALFACRE SHELBY  
DENA NOLEN SMITH  
NANCY LYNNE TAYLOR  
PAULA DIXON TEMPLETON  
SHUMIKA CHAUNTEL THOMAS

#### REINSTATEMENTS

ANDREA LEE LAWSON  
LEANNA JOAN MCKEE

#### CERTIFIED RESPIRATORY THERAPISTS

#### NEW LICENSES

CYNTHIA ANN ABBOTT  
DANIELLE LEAH ASHE  
PATRICIA DUNCAN BAFFORD  
SARAH LEIGH BALL  
JENNIFER RICHTER BEARDIN  
MICHELLE NICOLE BERAUD  
TAMIKA PARTEE BIFFLE  
DONNA LYNN CARLTON  
DIELDRINE DALMACY  
CHERUBIN  
WHITNEY LEEANN CHINERY  
JONNIE BYRD COLLINS  
LINDSAY BROOKE COLLINS  
CHRISTIAN JOY COOK  
LAILA ANN COWELL  
AMY BUCKLEY CRAIG  
CHANTAL FRANCESCA  
CROCKETT  
KAYLA GODSEY DINGUS  
DARLA JEAN DISHMAN  
TARA DAWN DOGAN  
LAURA HADLEY ELLIOTT  
TIFFANY LYNN FAULKNER  
MARSHA RENE'E FRANKLIN  
CHARLES MATTHEW GAILBREATH

DANIEL OSBORNE GARRETT  
CANDIS SHALEE GERHART  
SURESH R. GHODASARA  
BILLY WENDELL GOODE  
VICTORIA BROOKE GREEN  
JAMES DOMENIC GRIECO  
TODD ELLIS HALFORD  
DONNA BEAL HARRELL  
JESSICA STALEY HEARD  
LEAH TOSH IVY  
MYIESHA RENEE JACKSON  
SHERITA DOUGLAS JACKSON  
LAUREN MARIE KIMBLE  
MARIA NICOLE LEDESMA  
LATOYA DARCELL LEMONS  
BRADFORD LEE LONDON  
PAULA KAREN MANNING  
SAMANTHA MCGHEE  
TERRY WENDELL NEAL  
TAMECA MICHELLE PATTON  
EVELYN PRINGLE  
KRISTY GAYLE RANDOLPH  
ROBERT WOOD ROSE  
COURTNEY JO SHAPPLEY  
KOREA MARQUETTE SHELTON

TASHA DANIELLE SIMPSON  
CONSTANCE NICOLE SMITH  
RICHARD NAVOR SQUIRES  
BRIAN ANTHONY STAMBAUGH  
MARQUS ANTHONY THOMAS  
MELISSA LOUTHAN TRENT

BRITNEY NICOLE TURNER  
MARY LOUISE WAYNE  
LARRY DON WEATHERFORD  
SHEREA DOMINQUE WILLIAMS  
CHERYL BROWN YOUNG

REINSTATEMENT

AMANDA JEAN THOMPSON

**Administrator's Report**

Ms. Webb presented the following licensure status report:

As of May 31, 2009 the numbers of active licensees were:

- RRT—2496
- CRT—1880
- RCA—26

Board activity totals from February 25, 2009 through June 23, 2009

RRT	CRT
New licenses—77	New licenses—59
Reinstated—2	Reinstated—1
Retired—15	Retired—26
Failed to Renew—15	Failed to Renew—52

Continuing Education Audit Status Report:

Oct. 2008-Dec 2008	RRT	CRT	RCA
Licensees Audited	16	12	3
Licensees Compliant	14	6	3
Licensees Non-Compliant	2	6	0

Board Members

The Hospital Administrator position is still vacant. All other positions are filled. Dr. Mack made a motion seconded by Mr. Gantt to have a letter drafted to be signed by the Chair to inquire as to whether or not Dr. Jordan's schedule permits him to remain a member of the Board. The motion carried.

Board Consultants

The Board tabled a discussion to develop a policy regarding the tenure of its consultants.

### Financial Report

The financial report for FY 2009 will be mailed to Board members as soon as it is completed.

### Board Meeting Dates

February 4, 2010  
May 6, 2010  
August 19, 2010  
November 10, 2010

### Adjournment

There being no further business, the meeting was adjourned at 10:26 a.m.

**These Minutes were ratified at the August 27, 2009 meeting.**