

**Board of Respiratory Care  
Minutes**

**Date:** August 23, 2007

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

**Location:** Iris 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.

**Members Absent:** Timothy McGill

**Staff Present:** Marva Swann, Unit Director  
Tomica Walker, Board Administrator  
Ernie Sykes, Advisory Attorney  
Elisha Hodge, Litigating Attorney  
Juanita Stone, Investigations

**Guests Present:** Mike Harkreader, Tennessee Professional Assistance Program (TNPAP)  
John Williams, Lobbyist for Tennessee Society of Respiratory Care

A quorum being present, Mr. Billy Alred, Chair, called the meeting to order at 9:15 a.m.

**Office of General Counsel**

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:

**Rules:**

Under review by the Attorney General:

1. Title, Screening Panels, Equipment Delivery, Advertising [1330-1-.02, .03, .19, .20] – (05-1386) The rulemaking notice was filed and the rule went to hearing on October 31, 2005. The Board approved the amendment on November 17, 2005, and it was sent to the Attorney General on November 22, 2005. It became effective August 30, 2006.
2. 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 becomes effective May 30, 2007.
3. 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 is still there.

**Litigation:**

The Office of General Counsel, Tennessee Department of Health, currently has three (3) open cases pertaining to the Tennessee Board of Respiratory Care.

**Agreed Order/Consent Order or Contested Case Hearings**

David Andrews, RRT – Mr. Andrews was not present nor represented by legal counsel. The State was represented by Elisha Hodge. An Order of Consent was presented to the Board by Elisha Hodge stating that Mr. Andrews signed a Consent Order agreeing that he was found guilty of immoral, unethical, unprofessional or dishonorable conduct; and having disciplinary action imposed by another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed to practice respiratory care in this state; provided, further, that a certified copy of the order or other document memorializing the disciplinary action by the other state or territory shall constitute prima facie evidence of a violation of this chapter. Mr. Andrews agreed to have his license revoked effective the date the consent order is ratified by the Board, One (1) Type A civil penalty in the amount of one thousand dollars and the cost for the Office of General Counsel to prepare this case. All cost and civil penalties are due payable within thirty (30) days of receipt of the affidavit of costs. A motion was made by Dr. Mack and seconded by Ms. Partee to accept the Consent Order as presented. The motion carried.

**Approval of Minutes**

A motion was made by Ms. Schabacker and seconded by Dr. Mack to approve the minutes of the May 24, 2007 Board meeting as amended.

**Applicant Interviews/File Reviews**

Peggy Bologna — Ms. Bologna appeared before the Board seeking a waiver of her continuing education units so that she may reinstate her license. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Ms. Partee to approve a waiver of 20 hours of the

required 90 hours of continuing education hours that Ms. Bologna is required to get before she can reinstate her license. The motion carried.

Kimberly Burton – Ms. Burton appeared before the Board seeking licensure as a Certified Respiratory Therapist. She had been convicted of fraud on 4/21/04. Upon review by the Board, a motion was made by Ms. Partee and seconded by Dr. Mack to approve Ms. Burton for licensure. The motion carried.

Aaron Denham – Mr. Denham appeared before the Board seeking licensure as a Certified Respiratory Therapist. He had several DUI convictions ranging from 1999 to 2005. Upon review by the Board, a motion was made by Ms. Partee and seconded by Ms. Schabacker to approve Mr. Denham for licensure pending a favorable evaluation and following all recommendations from TNPAP. The motion carried.

Terrance Gates – Mr. Gates appeared before the Board seeking licensure as a Certified Respiratory Therapist. He had been convicted of possession of counterfeit money on 01/17/07. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Ms. Partee to approve Mr. Gates for licensure. The motion carried.

Dejuan Parker-Thomas – Ms. Parker-Thomas appeared before the Board seeking licensure as a Certified Respiratory Therapist. She had been convicted of domestic violence on 12/15/95. Upon review by the Board, a motion made by Ms. Partee and seconded by Ms. Schabacker to approve Ms. Parker-Thomas for licensure. The motion carried.

J.L. Skelton - Mr. Skelton appeared before the Board seeking licensure as a Certified Respiratory Therapist. He had been convicted of failure to pay child support on 02/17/00. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Ms. Partee to approve Mr. Skelton for licensure. The motion carried.

### **Investigations and Disciplinary Report**

Juanita Stone presented the disciplinary and investigative report as of 12/31/06. There was an initial carryover of five (5) RRT complaints from December 2006 with six (6) new complaints received. Making a total of ten (10). Two (2) were closed; and, of that total one (1) complaint was referred to the Office of General Counsel and one (1) with a letter of warning, leaving a total of nine (9) open cases at the time of this meeting.

There was an initial carryover of ten (10) CRT complaints from December 2006 with one (1) new complaint received. Making a total of eleven (11). 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 warning, leaving a total of nine (9) open cases at the time of this meeting.

### **Tennessee Professional Assistance Program Report**

Mike Harkreader, Director of Tennessee Professional Assistance Program (TNPAP) presented the report. There were eight (8) new referrals to Tennessee Professional Assistance Program

(TNPAP) for the period of July 1, 2006 thru June 30, 2007. Two signed a monitoring agreement making a total of seven (7) being monitored at this time; also for this period of time there were three (3) discharged and reported for noncompliance, three (3) discharged and reported to the Tennessee Department of Health, and three (3) discharged because there was no monitoring necessary.

### **Administrator's Report**

Tomica Walker presented the Administrator's report. Active current licensee totals are 2176 Registered Respiratory Therapists, 2074 Certified Respiratory Therapists, and 32 Respiratory Care Assistants. Since the May 2007 Board meeting there were a total of one hundred thirteen (113) newly licensed, seven (7) reinstatements, and fifteen (15) retired respiratory therapists. There is a benchmark of application processing time set for all Health Related Boards of 14 days for renewals and 100 days for initial applications.

We are within our benchmark of 14 days processing time with regard to renewals with the average time of 3 to 4 days for both RRT's and CRT's and 4 to 5 days for RCA's.

We are not meeting the benchmark of 100 days processing time for initial licensure with 126 days being the average time for RRT's, and 135 being the average time for CRT's.

This is due largely to the average applicant applying for a temp permit which is good for one (1) year from the date of issuance. This has extended the date of the issuance of permanent licensure.

For your information, ABG endorsement can now be accessed on the Internet verification system.

Board members were again reminded to obtain prior travel approval through the Administrative staff before making travel arrangements outside of the State of Tennessee in order to ensure reimbursement.

The Board recommended Donnell Cushman and Shane Keene as Board consultants. Shane Keene is at present a Board consultant for respiratory care.

### **Legislation**

John Williams, representative of the Tennessee Society for Respiratory Care (TSRC) came before the Board to give an overview of the polysomnography act. He stated that the practitioners of Respiratory Care would not have to be licensed by the Polysomnography Board but would have to be credentialed as listed in Public Chapter 469 under section 63-52-107. He also stated that the TSRC looks forward to working with the NBRC, AARC and the Board of Respiratory Care in the implementation of this Board.

The American Association for Respiratory Care (AARC) submitted correspondence to the Board asking for clarification on three issues:

1. **Polysomnography trainees and technicians are not required to document competency prior to rendering services that are included in the respiratory scope of practice.** Their concern is that there is now a double standard between the competency required for the respiratory therapist and that of the polysomnography trainee and technician. John Williams assured them that this is opposite intent of the law. Ernie Sykes is to research this issue and present his findings at our next board meeting.
2. **Are respiratory therapists now in violation of the law, when providing these services without the additional RPSGT credential?** Ernie Sykes, advisory attorney for the Board is to research this issue and present his findings at our next meeting.
3. **Is a respiratory therapist who provides respiratory therapy services to sleep disorder patients in the hospital, home, center, etc. subject to Section 63-52-102 (a) or 63-52-107 (a) (5)?** Ernie Sykes is to research this issue and present his findings at our next meeting.

Mr. Gantt discussed certified medical technicians and how they would be practicing respiratory care in some aspects if they were allowed to distribute aerosol medications. The Board voted to defer this for the next scheduled meeting.

The Board wanted clarification from the Attorney General's office regarding LPN's practicing respiratory care under the new TennCare rule. The Board voted to refer this to the Attorney General's office with a letter drafted from the Board's attorney Ernie Sykes.

The Board discussed drafting a notice of rulemaking hearing to amend rule number 1330-1-.12(8) (c) to put a cap on the amount of continuing education hours needed to reinstate a license for licensees who have not practiced and had let their license go into failed to renew status.

Ernie Sykes discussed with the Board the different public chapters that were going into effect that would affect the different aspects of respiratory care. These are as follows:

Public Chapter 469 is the polysomnography act for sleep lab technicians.

Public Chapter 529 is for employers who knowingly and willingly employ illegal aliens.

Public Chapter 410 creates non-smoker protection act which prohibits smoking in all enclosed places in the state of Tennessee.

Public Chapter 83 is about reporting domestic violence.

Public Chapter 464 is about the required statement regarding the economic impact on small businesses that must accompany every new rule.

Public Chapter 399 is the Exemption in the Nurse Practice Act for Personal Support Services. The Board discussed how it relates to the practice of respiratory care.

The Board voted to draft a policy regarding what procedure to use when an applicant's fingerprints are rejected as unreadable twice. A motion was made by Dr. Mack and seconded by Mr. Gantt to require the applicant to submit to an FBI/TBI fingerprint scan through the State of Tennessee's approved vendor or its equivalent as determined by the board or its equivalent in the state the applicant is located in. The motion carried.

### **Ratifications**

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

### **Licensed Certified Respiratory Therapist**

Claudia Jill Adcock  
Natasha Katrina Alexander  
Chase Andrew Barton  
Robert Bradley Bates  
Thomas Evan Beach  
Beth Kaye Bledsoe  
Penny Hobbs Bolden  
Patricia Knapp Borrelli-Bark  
Jennifer Johnson Brewer  
Jodi Amanda Brooks  
Angela Dykes Broyles  
Keri Michelle Burlison  
Katie Elizabeth Camper  
Sara Perry Cano  
Sokhom Chanthavilay  
Lesley Fowler Clemmons  
Brandy Nicole Corlew  
Misty L. Cox  
Denis Robert Crum  
Ann Fleenor Davis  
Leslie Le Shea Ferguson  
Chrisshannon Rose Forde  
Natalie Vincent Gish  
Brittini Tess Gray  
Sheila Milton Gross  
Shareeka Chatice Hall  
Mary Ruth Helton  
Wendy Gant Hicks  
Latasha Nicole Hickson

Kasey Sierra Hipshire  
Tonya Randolph Hogan  
Kami Marie Howard  
Angela Bunch Hudson  
Jeanie Williams Kobeck  
Jessica Ann Mayes  
Karen Louise Mazzone  
Holly Nicole McCarty  
Christopher Lloyd McClung  
Susan Candice Milliken  
Kym Nyman Morgan  
Philisha Duwana Muckle  
Sonja D'Nylle Neil  
Ashley Tameka Nettles  
Brittany Michelle Oxford  
Karrie Lynn Paquette  
Melissa Myers Paysinger  
Stephanie Marie Pittman  
Adrian Denise Qualls  
Heather Turman Reed  
Danette Stewart Roark  
Jennifer Ruth Roberts  
Tomekey McKnuckles Rogers  
Darrell Dewayne Sanders  
Heather Fields Scholbrock  
Rachel Mungle Shrum  
Katrina Robbins Skinner  
Paul David Smith  
Josh Coleman Stanfill  
Ciji Smith Sweeny  
Justin Daniel Thompson  
Jessica Loving Wade  
Melissa Sue Wallace  
Jessica A. White  
Randy Dean Younce

**Reinstated Licensed Certified Respiratory Therapist**

Virginia S Hubbard  
Stephanie Myers Robinson  
Latasha Shonta' Taylor

**Licensed Registered Respiratory Therapist**

Arelene Mae Abels  
Deborah Newman Banks  
Beryl Jean Barnett

Elizabeth Chalfant Barnett  
Jamie Nicole Barton  
Kristien A. Bennett  
Pamela Bradley Bowers  
Latoya D. Butler  
Katie Elizabeth Camper  
Jacqueline Cooper  
Dee Duffield Crum  
Sharon Renae Coy  
Dana Cochran Dalton  
Angela Rogers Elzie  
Robert W. Falls  
Ann Loch Fly  
Laina Ann Fontenot  
Sheryl DeVries Free  
Debbie Akers Fugate  
Kristy Lynn Gathings  
Kayla Pedigo Graves  
Cynthia Anne Gray  
Nicolle Stevenson Hobock  
Beverly Derrickson Holston  
Jennifer Lynn Hopper  
Kimberly Gibbs Howard  
Tina Hennessee Hubbard  
Ruby N. Hunter  
Kelly Jean Jemison  
Mona Denham Kitchens  
Aubrey Katherine Lambdin  
Andrea C. Leake  
Crystal Price Lindsey  
Gabriel M. Logan  
Lindsay Sigmon Mason  
Kimberly Wireman McCarthy  
Alicia Kelly McDaniel  
Patricia Borex Miller  
Kimberly Gale Morrow  
Christine Albin Murphy  
Genevieve Sanon O'Donnell  
Christine A. Odom  
Heather Tyner Parsons  
Robert Dale Ridenour  
Danette Stewart Roark  
Michael Coleman Sarwar  
Crystal Brooke Somers  
Charles Ryan Stiles  
Joshua Heith Townson

Nicole Taylor Uibel  
Andrea Warwick Wolfenbarger  
Sandra Smith Wright

**Licensed Reinstated Registered Respiratory Therapist**

Gretchen M. Conner-Jones  
Tonya Y. Fuller  
Ina Denise Grabner  
Gene Mitchell Tullos  
Christopher L. Weir

**These minutes were ratified at the November 15, 2007 board meeting.**