

**Board of Respiratory Care  
Minutes**

**Date:** February 15, 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:** Shirley Brackett  
Timothy McGill  
Candace Partee, Secretary  
Colleen Schabacker  
Delmar Mack, Ed.D.  
Robbie Bell, Ex Officio

**Members Absent:** Billy Alred, Chair  
Darryl Jordan, M.D.  
Roger Major

**Staff Present:** Marva Swann, Unit Director  
Tomica Walker, Board Administrator  
Ernie Sykes, Advisory Attorney  
Elisha Hodge, Litigating Attorney  
Jerry Kosten, Regulations Manager  
Lisa Tittle, Financial Director

**Judge:** Joyce Safley

**Guests Present:** Mike Harkreader, Tennessee Professional Assistance Program (TNPAP)  
Kathleen McEnerney, Tennessee State University

A quorum being present, Ms. Candace Partee, Secretary, called the meeting to order at 9:10 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. ABG Revisions [1330-1-.22] – (04-1574) The rulemaking notice was filed and the rule went to hearing on January 6, 2005. The Board approved the amendment on February 15, 2005, and it was sent to the Attorney General on February 25, 2005. It became effective February 15, 2006.
2. Criminal Background Checks [1130-1-.05] – (05-0102) The rulemaking notice was filed and the rule went to hearing on May 4, 2005. The Board approved the amendments on May 25, 2005, and it was sent to the Attorney General on May 31, 2005. It became effective May 28, 2006.
3. 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.
4. 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 is still there.

**Litigation:**

The Office of General Counsel, Tennessee Department of Health, currently has seven (7) open cases pertaining to the Tennessee Board of Respiratory Care.

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

The State was represented by Elisha Hodge. Judge Joyce Safley presided.

Richard Padgett – case continued

Eric Guthrie – case continued

Margaret Brown – Ms. Brown was not present nor represented by counsel. The state was represented by Elisha Hodge. An order of consent was presented to the Board by Elisha Hodge stating that Ms. Brown signed a consent order agreeing that she was found guilty of immoral, unethical, unprofessional, or dishonorable conduct, habitual intoxication or personal misuse of narcotics, controlled substances or any other drug or the use of alcoholic beverages or stimulants in such a manner as to adversely affect the person's ability to practice respiratory care. Ms. Brown agreed to have her license suspended effective the date of her consent order and have an evaluation by TNPAP within 30 days of the order's effective date. Should a contract be recommended the license shall be placed on probation and run concurrent with said TNPAP

contract, and will continue until such time as Ms. Brown complies with each and every term of the contract, but shall be no less than three (3) years in duration. A motion was made by Ms. Schabacker and seconded by Ms. Partee to approve the consent order as presented. The motion carried.

James Vernon Thomas – Mr. Thomas came before the Board after filing an order of compliance and presenting proof that he had complied with the action taken against his license on February 15, 2005. A motion was made by Mr. McGill and seconded by Dr. Mack to approve the order of compliance as presented.

### **Approval of Minutes**

A motion was made by Ms. Schabacker and seconded by Mr. McGill to approve the minutes of the November 14, 2006 Board meeting as amended. The motion carried.

### **Applicant Interviews/File Reviews**

Michael Shard — Mr. Shard appeared before the Board seeking licensure as a Registered Respiratory Therapist. He had been convicted of reckless endangerment in July 2001. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Mr. McGill to approve Mr. Shard for licensure. The motion carried.

### **Rules**

Jerry Kosten conducted a roll call vote on the rulemaking hearing that was held January 4, 2007 regarding a licensure fee increase and a clarification of new applicant fees. A motion was made by Ms. Schabacker and seconded by Ms. Brackett to approve the rules to increase licensure fees and a clarification of new applicant fees as presented. The new fees are broken down as follows: application fee \$120.00, license fee \$80.00 making a total application fee of \$200.00 and biennial renewal fee of \$150.00. The motion carried

### **Investigations and Disciplinary Report**

Marva Swann presented the disciplinary and investigative report as of 12/31/06. There was an initial carryover of eight (8) RRT complaints from December 2005 with eight (8) new complaints received. Making a total of sixteen (16). Eleven (11) were closed and of that total six (6) complaints were referred to the Office of General Counsel, four (4) were closed with no action, and one (1) is pending court action leaving five (5) open cases at the time of this meeting.

There was an initial carryover of four (4) CRT complaints from December 2005 with thirteen (13) new complaints received. Making a total of seventeen (17). Seven (7) were closed of that total with five (5) being referred to the Office of General Counsel, one (1) closed with no action, and one (1) closed with a letter of warning leaving ten (10) 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 six (6) new referrals to Tennessee Professional Assistance Program (TNPAP) for the period of July 1, 2006 thru December 31, 2006. Two signed a monitoring agreement making a total of seven (7) being monitored at this time; also for this period of time there were two (2) discharged and reported for noncompliance, two (2) discharged and reported to the Tennessee Department of Health, and two (2) discharged because there was no monitoring necessary.

### **Administrator's Report**

Tomica Walker presented the Administrator's report. Active current licensee totals are 2092 Registered Respiratory Therapists, 2072 Certified Respiratory Therapists, and 32 Respiratory Care Assistants. Since the November 2006 Board meeting there were a total of seventy (71) newly licensed, ten (10) reinstatements, and twenty-four (24) 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 Governor has appointed a new Board member to replace James Hunter. He is Roger Major, RRT of Columbia Community College.

### **Policy Statement**

The Board approved a motion made by Ms. Schabacker and seconded by Ms. Brackett to define a clock hour for continuing education as 60 minutes and to reconstruct the language to define the clock hour.

### **Legislation**

A motion was made by Ms. Schabacker and seconded by Ms. Brackett to draft a position statement to be presented at the TennCare rulemaking hearing regarding the proposed rule 1200-13-14-.04(14) on March 19, 2007 in opposition to LPN's providing ventilator management.

### **Tennessee Allied Health Commission**

Dr. Kathleen McEnerney came before the Board to inform the Board that the Tennessee Allied Health Commission's purpose is to address issues related to allied health shortages, recruitment, and training of allied health professionals, and the establishment of a formal entity in Tennessee such as a Commission on Allied Health for Tennessee. She presented a proposal to form a Tennessee Commission on Allied Health with the Board of Respiratory Care. The Allied Health Workforce Council, which is composed of university and community leaders in the allied health professions, and the Tennessee Hospital Association's Center for Health Workforce Development proposes the formation of the Tennessee Commission on Allied Health. Senate Bill 3716 and House Bill 3795 was introduced by Senator Bill Ketron and Representative John Hood in the legislature to amend TN Code Annotated, Title 63, Chapter 1 Part 1 to allow any board of allied health care profession within Division of Health Related Boards to enter into grants, agreements, scholarships or other arrangements with statewide nonprofit agencies or other state agencies for the purpose of evaluating and guiding the development of education, distribution, and availability of the allied health workforce to provide a basis for improving the delivery of quality health care.

### **Ratifications**

A motion was made by Ms. Schabacker and seconded by Dr. Mack 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**

Constance Marie Ayers  
Susan West Binkley  
Kristin Ann Cannon  
Beverly Parkey Clark  
June Cook Davis  
Tara Nicole Davis  
Jane Elizabeth Dixon  
Jennifer Carol Dockery  
Marquita C. Durham  
Jennifer Caldwell Edwards  
Mary Angel Ewing  
Cynthia Lynett Freelon  
Jeanna Nickelson Gaye  
Amy Jo Hampton

Christine Vickers McMillan  
Jason Michael Mounts  
Casey Marie Powell  
Mekeishia Smith Sanders  
Karanda Lenae Shead  
Kristen Nicole Starnes  
Rebecca Givens Tabor  
Kristin Nicole Tate  
Michelle Nichole Thompson  
Denise Palmer Tullos  
Ashley Michelle Vandiver  
Crystal Denise Williams

**Reinstated Licensed Certified Respiratory Therapist**

Leeshay Elizabeth Daily Gray  
Julie A. Glover  
Shana Deeann Vaught

**Licensed Registered Respiratory Therapist**

Janet Holbert Arthur  
Beatrice Bates Baker  
Lorance Edward Baldwin  
Theresa Teasley Clouse  
Vickie D. Cummins  
Rebecca Netterville Detar  
Michelle Stewart Ferrell  
Leneir Shamara Fletcher  
Sheila A. Fox  
Jennifer Lynn Garland  
Shirley Rogers Garner  
Ann Elizabeth Garner-Sanders  
Brandi Greene Harvey  
Tiffani Behm Hess  
Andrea Cox Lauderdale  
James Richard Lovelace  
Billy Keith Malone, Jr.  
Brenda Shipley McCain  
Stephen Ray Morgan  
Talia Monae' Morgan  
Mark Allen Nauert II  
Sharon Joho Novak

Stephanie Card Paxton  
John Charles Shelburne  
Amy Baker Swiney  
Susie Turner Taylor  
Deborah Dino Thornton  
Leslie Haynes Williams  
Andrea Strimel Williamson  
Charlene Shannon Wilson  
Wendy Seals Wright

**Licensed Reinstated Registered Respiratory Therapist**

Anthony F. Hamby  
Sandra L. Hamby  
Clarence R. Krebs  
Wilma C. Manning  
Kimberly K. Presson  
Rhonda L. Simms

There being no further business, the meeting was adjourned at 3:05 pm.

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Candace Partee, Secretary