

COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE

**THIS AGENDA CONSTITUTES NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF RESPIRATORY CARE
IN COMPLIANCE WITH THE OPEN MEETING LAW, M.G.L. c. 30A, § 20**

**Friday, August 28, 2020
1:00 p.m.**

**General Session is open to the public and will be held via Webex at:
<https://statema.webex.com/statema/j.php?MTID=m7aa435884272e4a583da855dda4c04e2>**

Call-In Telephone number 1-866-692-3580 (toll-free)

Meeting Number/Access Code: 171 735 5793

Meeting Password: MJeQT6GKy58

Agenda

All Votes Must Be Via Roll Call

Time	Item #	Item	Exhibits	Staff Contact
1:00 p.m.	I	Call to Order Determination of Quorum Notice of electronic recording		Chair
	II	Conflict of Interest Approval of Agenda	Draft Agenda	Chair
	III	New Staff Introduction: A. Steven R. Joubert, LMHC, LNHA, Executive Director, Seven Licensures B. Eleanor Montgomery, Office Support Specialist		AED
	IV	Approval of Minutes A. July 16, 2019 Board Meeting Minutes	Draft Minutes	Chair
	V	Board Inquiry: A. Scope of Practice from Joelle Hochman, RRT, RT9782	Email Inquiry	Board Counsel

	VI	Open Investigations: N/A <i>Triage:</i> A. TRG-15363: Davis, MacKenzie: RT15982 Employer: Massachusetts General (until June 2019) Attorney: N/A COI: <i>Staff Assignments: N/A</i> <i>Complaint:</i> B. REP-2018-003: Smith, Elizabeth; RT16055 Employer: Regional Home Care School: North Essex Community College Attorney: N/A COI:	Reports	LSM
	VII	Flex Session A. Announcements B. Topics for next agenda		ED/AED

3:00 p.m.	VIII	Executive Session (Roll call vote): The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, individuals, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. <ol style="list-style-type: none"> Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provisions of certain applications as required for registration for pending applicants. In addition, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensee(s) relevant to their petitions for license status change. In addition, the Board will consider approval of prior executive session minutes in accordance with M.G.L. c.30A, § 22(f) for sessions held during for previous executive sessions of the Board. <p>The Board will not reconvene in open session subsequent to the closed session(s).</p>		Chair
	IX	65C Session:	Closed Session	Board Counsel
	X	Adjudicatory Session: N/A	Closed Session	Board Counsel
	XI	Adjournment -next Board meeting scheduled for September 15, 2020		Chair

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator Yulanda Kiner, Phone: 617-624-5848 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF RESPIRATORY CARE
BOARD MEETING**

Friday, August 28, 2020
01:00 PM
Via WebEx

239 Causeway Street
Room 417 A/B
Boston, MA 02114

MINUTES

Board Members Present: Martha DeSilva, RT, Board Chair
Jason Moury, RT, Vice-Chair
Essam Ansari, MD, Board Member
Amy Keenan, RN, Board Member

Board Members
not present: None

Staff Present: Steven Joubert, Executive Director, Multi-Boards, BHPL
Karen Georghegan, Assistant Executive Director, Multi-Boards, BHPL
Mary Strachan, Board Counsel, Office of the General Counsel, BHPL
Lisa Seeley-Murphy, Board Investigator, BHPL
Eleanor Montgomery, Office Support Specialist, Multi-Boards, BHPL
Walens Noel, Office Support Specialist, Multi-Boards, BHPL

Guests: Joelle Hochman
Elizabeth Smith

Call to Order | Determination of Quorum | Notice of Electronic Recording

Members present via WebEx via roll-call: Martha DeSilva: yes; Jason Moury: yes; Essam Ansari: yes; Amy Keenan: yes. Absent: none.

Ms. Martha DeSilva, Board Chair, called the meeting of the general session to order at 1:03 p.m. Board members stated their name for the record. A quorum of the Board of Respiratory Care was established. Ms. DeSilva reminded those present via WebEx that the meeting was being recorded.

Conflict of Interest | Approval of Agenda

The regular session meeting agenda was reviewed.

DISCUSSION:

Ms. DeSilva asked the Board members to review the general session agenda and disclose if there were any conflicts of interest regarding the items on the agenda. No conflicts of interest were disclosed.

ACTION:

Motion to approve the agenda made by Ms. DeSilva, seconded by Mr. Jason Moury and unanimously passed by roll call vote as follows: Martha DeSilva: yes; Jason Moury: yes; Essam Ansari: yes; Amy Keenan: yes. Absent: None. Abstained: None; Opposed: None; Recused: None.

DOCUMENT:

August 28, 2020 Regular Session Agenda

New Staff Introductions:

Ms. Karen Geoghegan introduced two new staff members: Executive Director, Steven Joubert and Office Support Specialist, Eleanor Montgomery.

ACTION:

None.

DOCUMENTS:

None

Approval of Minutes

DISCUSSION:

Board Counsel, Ms. Mary Strachan and Mr. Moury highlighted a few clerical edits to the Board.

ACTION: Motion to approve the July 16, 2019 minutes with edits made by Ms. DeSilva, seconded by Mr. Moury and unanimously passed by roll call vote as follows: Martha DeSilva: yes; Jason Moury: yes; Essam Ansari: yes; Amy Keenan: yes. Absent: None. Abstained: None; Opposed: None; Recused: None.

DOCUMENT:

July 16, 2019 Minutes

Board Inquiry

A. Scope of Practice from Joelle Hochman, RRT, RT9782

The licensee was present via WebEx.

DISCUSSION:

Mr. Moury asked Ms. Hoffman to clarify the kinds of services she would like to provide. Ms. Hochman clarified that she would provide health education, disease prevention, disease education, stress management, sleep hygiene and other educational topics to consumers via web and/ or telephone. She stated that it would be much like pulmonary rehab without the exercise component. Mr. Moury asked Ms. Hochman whether or not she would provide billable services. She confirmed that she would not perform billable or hands-on services and all of her appointments would be primarily via video or telephone.

Ms. DeSilva asked if anything prevented this legally. Ms. Strachan stated that so long as Board members felt that what Ms. Hochman was asking to do was in the scope of practice. Ms. Strachan noted that the regulatory and statutory requirement that respiratory therapists work under the direction of a physician appears to provide for the safety of patients in a clinical setting. Ms. Strachan asked Ms. Hochman if she had access to a physician or physicians if she had questions. She stated that she has a relationship with several physicians she worked with in a clinical setting.

Mr. Moury stated he felt that even though there would be no physician oversight while she virtually provided health promotion and disease prevention education to patients, Ms. Hochman's request fell within the scope of practice. Ms. Strachan clarified that Ms. Hochman would not be providing hands on services to patients and that she had access to a pulmonary physician should a patient have an issue.

ACTION:

Motion to approve Ms. Hochman's request by Ms. DeSilva, seconded by Mr. Moury and unanimously passed by roll call vote as follows: Martha DeSilva: yes; Jason Moury: yes; Essam Ansari: yes; Amy Keenan: yes. Absent: None. Abstained: None; Opposed: None; Recused: None.

DOCUMENT: Email Inquiry

Open Investigations

A. Complaint:

REP-2018-003: Smith, Elizabeth; RT6055

Employer: Regional Home Care

School: North Essex Community College

Attorney: N/A

COI: None

The licensee was present via WebEx.

Board Attorney, Ms. Strachan welcomed Ms. Elizabeth Smith and into the meeting. Board Investigator, Ms. Lisa Seeley-Murphy presented the Board Members with an overview of the Complaint opened against the license. Allegations are that the Licensee did not take the required CEU credits for the June 1, 2016 to May 31, 2018 renewal cycle. Ms. Seeley-Murphy noted that when she added up all the licensee's CEUs, it appeared that she had done enough over three cycles to correct the fact that she didn't take some in the 2016-2018 renewal cycle but that it would be up to the Board as to whether or not that would make up for it.

DISCUSSION:

Ms. Strachan noted that CMR 5.04 cites re-credentialing exams as a qualifying CEU activity. Since, Mr. Moury noted that the regulations have changed since the time of the allegation asked if they should be considering the allegations under the old regulations or under the new regulation (the Effective date of the current Board regulation at 261 CMR is 2-7-2020). Ms. Strachan corrected him stating that this was an interpretation error; the timing of the renewal cycle had not changed, but rather, the board waived the requirement that no more than 6 CEU credits could be obtained online. Ms. Elizabeth Smith stated that she had interpreted the regulations to mean that she was signing off that she would complete her CEUs but not that she had already done so. This was an error on her part. Mr. Moury noted that in the future, this Licensee and others should contact the board if they realize that they are short on CEUs rather than signing to attest that they had. Ms. Strachan explained to the Board that a similar scenario came up with the renewal cycle audit in 2015. After the audit results, the board decided that licensees would have the opportunity to make up their CEUs and that if they did not, the Board would open a complaint but it would be dismissed.

ACTION:

Motion to dismiss the complaint as a violation with mitigation (conduct does not warrant discipline) by Ms. DeSilva, seconded by Mr. Moury and unanimously passed by roll call vote as follows: Martha DeSilva: yes; Jason Moury: yes; Essam Ansari: yes; Amy Keenan: yes. Absent: None. Abstained: None; Opposed: None; Recused: None.

Flex Session:

A. Announcements:

B. N/A

C. Topics for Next Agenda:

D. N/A

DISCUSSION:

None

ACTION:

None

Executive Session

Mr. Moury announced that the Board would meet in Executive Session as authorized pursuant to M.G.L. c.30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board would discuss and evaluate the Good Moral Character provisions of certain applications as required for registration for pending applicants. In addition, the Board would discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensee(s) relevant to their petitions for license status change. The Board would not reconvene in open session subsequent to the closed session(s).

ACTION:

Motion to enter into Executive Session made by Ms. DeSilva, seconded by Mr. Moury and unanimously passed by roll call vote as follows: Martha DeSilva: yes; Jason Moury: yes; Essam Ansari: yes; Amy Keenan: yes. Absent: None. Abstained: None; Opposed: None; Recused: None.

DOCUMENT:

None.

Adjournment:

The Board did not reconvene following Executive Session.

The next meeting of the Board of Respiratory Care is scheduled for **September 15, 2020.**

Respectfully submitted:

Board of Respiratory Care