

**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**

**Tuesday, April 15, 2014  
1:00 p.m.**

**239 Causeway Street ~ 4<sup>th</sup> Floor ~ Room 419  
Boston, Massachusetts 02114**

**Agenda**

<b>Time</b>	<b>Item #</b>	<b>Item</b>	<b>Exhibits</b>	<b>Staff Contact</b>
1:00 p.m.	<b>I.</b>	<b>Call to Order Determination of Quorum</b>		
	<b>II.</b>	<b>Approval of Agenda</b>	Draft Agenda	
	<b>III.</b>	<b>Approval of Minutes</b> A. February 25, 2014 Regularly Scheduled Meeting B. March 18, 2014 Regularly Scheduled Meeting	Draft Minutes	
	<b>IV.</b>	<b>Adjudicatory Session</b>	Closed session	
1:15 p.m.	<b>V.</b>	<b>G.L. c. 112, § 65C Session</b>	Closed Session	
	<b>VI.</b>	<b>Executive Session (Roll Call vote)</b>	Closed Session	
	<b>VII.</b>	<b>Limited Permit Applications</b> None	None	
	<b>VIII.</b>	<b>Full License Applications</b> None	None	

	<b>IX.</b>	<b>License Reactivation Applications</b> A. <u>Megan Stepputtis</u> RT4860 (Expired 5/31/2012) B. <u>Patrick Dowd</u> RT3518 (Expired 5/31/2012)	Reactivation application and supporting documents	MP/IH
	<b>X.</b>	<b>Staff Assignments</b> None	None	
	<b>XI.</b>	<b>Complaints</b> A. <u>Status Update:</u> Lucien-Calixte, Sandra RT3217 (Expires 05/31/2014)	Verbal	MP/IH
	<b>XII.</b>	<b>Scope of Practice Inquiries</b> A. <u>Email Inquiry from the National Supplier Clearinghouse (NSC):</u> NSC requests that the Board review and confirm that their information for dispensing respiratory care equipment is in compliance with the Board's regulation?	Email Inquiry	
	<b>XIII.</b>	<b>Other Business/Announcements</b> A. <u>Overview:</u> Conflict of Interest B. <u>Discussion</u> Random CEU Audit C. <u>Discussion:</u> CEU Attestation on renewal application forms D. <u>Discussion:</u> Revision of Board regulations E. <u>Discussion:</u> Collaboration between other Boards F. <u>Updates from Board members:</u> Administration of sedatives and analgesic medications by Respiratory Therapists	Hand-Out, Conflict of Interest	VB
	<b>XIV.</b>	<b>Flex Session</b> A. Topics for next agenda		
3:00 p.m.	<b>XV.</b>	<b>Adjournment</b>		

# COMMONWEALTH OF MASSACHUSETTS

## BOARD OF RESPIRATORY CARE

### BOARD MEETING

Tuesday, April 15, 2014

239 Causeway Street  
Room 417  
Boston, MA 02114

### MINUTES

Board Members Present: David Polanik, Respiratory Therapist 2, Board Chair  
Annemarie Patten, R.N., Nurse, Board Vice-Chair  
Edward Burns, Respiratory Therapist 1  
Sadeq Ali Quraishi, M.D., Physician 1

Board Members Susan Binall, Consumer 1

Not Present:

Staff Present: Mary Phillips, Executive Director, Multi-Boards, DHPL  
Ichelle Herbu, Assistant Executive Director, Multi-Boards, DHPL  
Anson Chu, Office Support Specialist, Multi-Boards, DHPL  
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH  
David Murphy, Board Counsel, Office of the General Counsel, DPH  
Marjorie Campbell, Nursing Investigator Supervisor, Office of Public Protection, DHPL  
Philip Beattie, Board Investigator, Office of Public Protection, DHPL  
Jennifer Peck, Intern, DPHL

Guest: Todd Wallack, Boston Globe Reporter  
Ibraltino Andrade, RT  
Attorney Joseph R. Doktor  
Patrick Dowd, RT applicant

- I. Call to Order - Determination of Quorum  
A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:16 p.m.
- II. Approval of the Agenda  
The Meeting Agenda was reviewed.

DISCUSSION: Ms. Berg amended the agenda in order for Item V, Executive Session, to be discussed as Item IV.

ACTION: Dr. Quraishi made a motion to approve the agenda as amended; Mr. Burns seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Document: April 15, 2014 Board Meeting Agenda

III. Approval of Minutes

A. February 25, 2014 Regularly Scheduled Board Meeting

The Minutes of the February 25, 2014 Regularly Scheduled Board Meeting were reviewed.

DISCUSSION: None

ACTION: Dr. Quraishi made a motion to approve the minutes as presented; Mr. Burns seconded the motion; motion passed with Board members present and voting in favor: Mr. Polanik; Motion passed with Board members present and voting in favor unanimously.

A. March 18, 2014 Regularly Scheduled Board Meeting

The Minutes of the March 18, 2014 Regularly Scheduled Board Meeting were reviewed.

DISCUSSION: Mr. Burns informed the Board that the minutes should be amended by deleting the line “the matter was brought in the past”, because to his knowledge the Board has not heard the matter in Item XII prior to the February 24, 2014 meeting.

ACTION: Dr. Quraishi made a motion to approve the minutes as amended; Ms. Patten seconded the motion; motion passed with Board members present and voting in favor: Mr. Polanik; Motion passed with Board members present and voting in favor unanimously.

Documents: February 25, 2014 Regularly Scheduled Board Meeting Minutes  
March 18, 2014 Regularly Scheduled Board Meeting Minutes

IV. Adjudicatory Session

Dr. Quraishi made a motion to go into the Section Adjudicatory Session at 3:26 p.m.; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor unanimously.

The Board adjourned the Section Adjudicatory Session at 3:29 p.m. and resumed its Regularly Scheduled Board Meeting.

V. M. G.L. c. 112, § 65C Session

Mr. Polanik made a motion to go into the § 65C Session at 3:32 p.m.; Dr. Quraishi seconded the motion. Motion passed with Board members present and voting in favor unanimously.

The Board adjourned the Section 65C Session at 3:42 p.m. and resumed its Regularly Scheduled Board Meeting

VI. Executive Session

(Roll call vote)

At 01:32 p.m., Mr. Polanik announced that 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 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 will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. The Board will also review a petition for license reinstatement. The Board will resume Regularly Session after the end of the Executive Session.

Dr. Quraishi made a motion to go into the Executive Session at 1:32 p.m.; Mr. Burns seconded the motion. The motion passed unanimously with roll call vote as follows: Mr. Burns-yes; Mr. Polanik-yes; Dr. Quraishi-yes; and Ms. Patten-yes; abstained: None; Opposed: None

VII. Limited Permit Applications  
None

VIII. Full License Applications  
None

IX. License Reactivation Applications  
C. Megan Stepputtis RT4860 (Expired 5/31/2012)

DISCUSSION: The Board noted Ms. Stepputtis met the Board's CEU requirements.

ACTION: Mr. Burns made a motion to reactivate Ms. Stepputtis's license; Dr. Quraishi seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Supporting Documentations

B. Patrick Dowd RT3518 (Expired 5/31/2012)

DISCUSSION: Mr. Burns disclosed a working history with Mr. Dowd. Ms. Berg reviewed the Conflict of Interest Law for the Board. The Board decided that one Board member could review the application; Dr. Quraishi volunteered to review Mr. Dowd's reactivation application.

ACTION: Dr. Quraishi made a motion that the Board appoints himself to review and approve Mr. Dowd application for reactivation if Dr. Quraishi determines that Mr. Dowd met all of the Board's requirements; Ms. Patten seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Support Documentations

X. Staff Assignments  
None

XI. Complaints

A. Status Update: Lucien-Calixte, Sandra RT3217 (Expires 05/31/2014)

DISCUSSION: Staff reported to the Board that Ms. Calixte-Lucien's interview with Office of Public Protection investigator ("OPP") is on Thursday April 17, 2014. Further, the OPP investigator has received and is reviewing all relevant medical records.

ACTION: The Board requested that Board staff provide the Board with an update at each meeting.

Documentation: Newspaper Article

XII. Scope of Practice Inquiries

A. Email Inquiry from the National Supplier Clearinghouse ("NSC"): NSC requests that the Board review and confirm that their information for dispensing respiratory care equipment is in compliance with the Board's regulation?

DISCUSSION: Ms. Berg informed the Board that legislation is pending regarding this matter and recommended that the Board defer the matter until the Board receives additional information.

ACTION: Board deferred discussion on this matter until the Board receives additional information.

Documents: Email Inquiry

XIII. Other Business/Announcements

G. Overview: Conflict of Interest

DISCUSSION: Ms. Berg reviewed the Conflict of Interest Law as it pertains to Board members and provided several examples of conflict of interest. If a Board member determines that a conflict of interest exists with an item on the agenda, Board members may contact the State Ethics Commission for advice. Board members should notify Board staff of the issue as soon as possible; recuse themselves prior to the discussion of the item in the meeting; cannot discuss the item at any time with any other Board member; and file a disclosure form with the Governor's Office if a quorum issue arises.

ACTION: None.

H. Discussion Random CEU Audit

DISCUSSION: Mr. Burns request that the Board consider conducting a random CEU audit. Mr. Polanik noted that the Board's RT renewal application does have an attestation statement that a license has complied with the Board's CEU requirements. Mr. Polanik noted that once the attestation statement is added then 75 licensee should be audited by the summer of 2015.

ACTION: Mr. Polanik made a motion to for Board staff to add an attestation statement on the RT renewal form; Dr. Quraishi seconded the motion; Motion passed with Board members present and voting in favor unanimously.

I. Discussion: Revision of Board regulations

DISCUSSION: The Board request that this item remain on the agenda each month for discussion.

ACTION: None

J. Discussion: Collaboration between other Boards

DISCUSSION: None

ACTION: Board deferred the matter on this item until the next scheduled Board Meeting.

K. Updates from Board members: Administration of Sedatives and Analgesic medications by Respiratory Therapists

DISCUSSION: Mr. Burns informed the Board that he has been in contact with RI, CT, VT, NH, and NC to inquiry about their policy and scope of practice regarding this matter. The information that he received indicates that other states do not have a policy or that there is a need for one. Mr. Polanik request that the Board take a look at the questionnaire he drafted to submit to Massachusetts Society of Respiratory Care ("MSRC").

ACTION: Mr. Polanik made a motion for Board members to review the questionnaire in preparation to submit to MSRC for distribution; Dr. Quraishi second the motion; Motion passed with Board members present and voting in favor unanimously.

XIV. Flex Session

A. Topics for next agenda: Board members did not have any items to add to the next Board meeting agenda

XV. Adjournment

There being no other business before the Board, Ms. Patten made a motion to adjourn the meeting; Dr. Quraishi seconded the motion. Motion passed with Board members present and voting in favor unanimously.

The meeting adjourned at 4:38 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, May 20, 2014, at 1 p.m. in Boston, MA.

Respectfully submitted:

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Name

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Position

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Date