

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, August 18, 2015
1:00 p.m.**

**239 Causeway Street ~ 4th Floor ~ Room 417
Boston, Massachusetts 02114**

Agenda

Time	Item #	Item	Exhibits	Staff Contact
1:00 p.m.	I.	Call to Order Determination of Quorum		
	II.	Approval of Agenda	Draft Agenda	
	III.	Approval of Minutes A. June 16, 2015 Board Meeting	Draft Minutes	
	IV.	Unlicensed Practice A. <u>Raby, Philip</u> RT1238 (Expired 05/31/14)	Licensee's Statement	IH
	V.	Policies A. Probation Policy B. Valor Act Policy	Draft Probation Policy Draft Valor Act Policy	VB VB
	VI.	Regulations A. Regulatory Review	Executive Order Review Plan	VB

	VII.	Inquiries <ul style="list-style-type: none"> A. Whether inserting a PICC line is within the Scope of Practice of a licensed RT? B. Can a licensee practice on an expired or revoked CRT credential? 	Email Inquiry Memo and Correspondence from Boston Children's Hospital	MS
	VIII.	Other Business/Announcements <ul style="list-style-type: none"> A. Posting Survey Result on CPAP/BiPAP Administration in the Home Care Setting 	Draft of Proposed Posting Survey Result summary	MP
	IX.	Board Education <ul style="list-style-type: none"> A. Review types of resolutions/discipline 	Copy of Powerpoint Slides	MS
	X.	Flex Session <ul style="list-style-type: none"> A. Topics for next agenda B. License Status Codes 	Verbal Memo	VB

1:45 p.m.	XI.	<p>Executive Session (Roll call vote)</p> <p>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.</p> <ol style="list-style-type: none"> 1. Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provisions of certain applications as required for registration for pending applicants. 2. 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. 3. In addition, the Board will consider approval of prior executive session minutes in accordance with M.G.L. ch.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 executive session.</p>	Closed Session	
2:30 p.m.	XII.	G.L. c. 112, § 65C Session	Closed Session	
3:00 p.m.	XIII.	Adjournment-next Board meeting scheduled for [September 15, 2015]		

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

Tuesday, August 18, 2015

239 Causeway Street
Room 417
Boston, MA 02114

MINUTES

Board Members Present: David Polanik, Respiratory Therapist 2, Board Chair
Annemarie Patten, R.N., Nurse
Phillip Bort, Consumer 2
Paul Nuccio, RT, Respiratory Therapist 1

Board Members Not Present: Leslie Shaff, M.D., Physician 2, Board Vice-Chair

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
Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Marjorie Campbell, Nursing Investigator Supervisor, Office of Public Protection, DHPL
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH

Staff Not Present: Philip Beattie, Board Investigator, Office of Public Protection, DHPL

Guest: Ronald Cook Ronald Welch Antoinette DeLuca
Guests from Boston Children's Hospital
Guests from Massachusetts General Hospital
Guests from Boston Medical Center
Guests from Regional Health Care
Guests from Massachusetts Society of Respiratory Care (MSRC)

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:48 p.m.

II. Review of the Agenda

The Meeting Agenda was reviewed.

ACTION: Ms. Patten made a motion to approve the agenda as presented; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: August 18, 2015 Board Meeting Agenda

III. Approval of Minutes

A. June 16, 2015 Regularly Scheduled Board Meeting

The minutes of the June 16, 2015 regularly scheduled board meeting were reviewed.

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

Documents: June 16, 2015 Regularly Scheduled Board Meeting Minutes

IV. Unlicensed Practice

A. Raby, Philip RT1238 (Expired 05/31/14)

DISCUSSION: Ms. Herbu informed the Board that the applicant was practicing under an expired license from May 2014 until July 2015.

ACTION: Mr. Polanik made a motion to open a complaint against his license for unlicensed practice; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Licensee's Statement

V. Policy

A. Probation Policy

DISCUSSION: None

ACTION: Mr. Bort made a motion to defer until the next scheduled Board meeting; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Draft Probation Policy

B. Valor Act Policy

DISCUSSION: None

ACTION: Mr. Bort made a motion to defer until the next scheduled Board meeting; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Draft Valor Act Policy

VI. Regulations
A. Regulatory Review

DISCUSSION: Ms. Berg reviewed Executive Order No. 562 with the Board. This order revoked and superseded Executive Order No. 485. She explained the procedure of the review and reevaluation process of the regulations. The Board was distributed copies of the proposed schedule for coordinating the Regulatory Review and the tentative schedule for the Respiratory Board.

ACTION: None

Documents: Executive Order Review Plan

VII. Inquiries
A. Whether inserting a PICC line is within the Scope of Practice of a licensed RT?

DISCUSSION: The Board reviewed this scope of practice inquiry that was sent to the board by email. There was a discussion by the board regarding if a respiratory therapist should be inserting a PICC line. Mr. Nuccio opined that with the proper training, it is within an RT's scope of practice to insert a PICC line. He made a motion that the Board issue a statement to that effect, however, there was no second. Mr. Polanik questioned whether it is appropriate for the Board to make such a statement without first obtaining additional information, and suggested that the Board defer the matter until more information is received. After discussion, the Board determined that they need more information and tabled the decision until more information is obtained.

ACTION: None

Documents: Email Inquiry

B. Can a Licensee practice on an expired or revoked CRT credential?

DISCUSSION: Ms. Strachan gave a brief overview of how this inquiry came about and distributed a memo to the Board. The memo provides a summary of the language of the relevant statutes and regulations and relevant case law as well as the way the boards of similarly situated professions (i.e., nursing and medicine) approach the matter. Representatives from Mass General Hospital, Boston Children's Hospital, Boston Medical Center, Regional Home Care and MSRC participated in the discussion and expressed their opinion and expertise on the subject. The group's consensus was that maintenance of certification should be a requirement for license renewal. In contrast, board counsels pointed out that the Board's licensing and renewal statute, M.G.L.c. 112 §23S (2), only authorizes the Board to require documentation of continuing education and collect a renewal fee. Members of the public were concerned about the situation, but Ms. Berg informed them that the Board does not have the authority to change anything that is stated in the Statutes.

ACTION: Mr. Polanik made a motion to respond to the inquiry that based on the Respiratory

Care statutes, you do not need to maintain credential; Mr. Bort seconded the motion. Motion passed with Board members present and voting in favor unanimously. Mr. Nuccio abstained from voting.

ACTION 2: Mr. Bort made a motion to make a recommendation to initiate a change and/or update the statute regarding licensing via initial or renewal to the Department of Public Health; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Memo and Correspondence from Boston Children's Hospital

VIII. Other Business/Announcements

A. Posting Survey Result on CPAP/BiPAP Administration in the Home Care Setting

DISCUSSION: Ms. Phillips requested the Board review the survey result that was revised based on the suggestions from the last Board meeting. After the Board's review, it is ready to be posted on DHPL's website.

ACTION: Mr. Bort made a motion to approve the survey result and post it on DHPL's website; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents Draft of Proposed Posting Survey Result summary

IX. Board Education

A. Overview of types of resolutions/discipline deferred

DISCUSSION: None

ACTION: Mr. Bort made a motion to defer until the next scheduled Board meeting; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Copy of Powerpoint Slides

X. Flex Session

A. Topics for next agenda

DISCUSSION: None

ACTION: None

Documents: None

B. License Status Codes

DISCUSSION: None

ACTION: Mr. Bort made a motion to defer until the next scheduled Board meeting; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: None

XI. Executive Session (Roll call vote)

At 3: 40 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 the Good Moral Character 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.

Ms. Patten made a motion to enter into Executive session at 3:41 p.m.; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor: Mr. Polanik-yes; Ms. Patten-yes; Mr. Bort-yes; Mr. Nuccio-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 4:55 p.m. and resumed its Regularly Scheduled Board Meeting.

XII. G.L. c. 112, § 65C Session

Mr. Polanik made a motion to enter into 65C Session at 4:56 p.m.; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor unanimously.

XIII. Adjournment

There being no other business before the Board, Mr. Bort made a motion to adjourn the meeting; Mr. Nuccio seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 5:20 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, September 15, 2015, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

Name

Position

Date