

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, December 16, 2014  
1:00 p.m.

239 Causeway Street ~ 4<sup>th</sup> 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. November 18, 2014 Board Meeting	Draft Minutes	
	IV.	License Reactivation Application A. Clark, Karen RT1925 (Expired 5/31/2014)	Application form and supporting documents	IH
	V.	Other Business/Announcements A. <u>Discussion</u> : Subcommittee/Task force to review regulation related to CPAP/BIPAP B. Unlicensed respiratory care settlement C. <u>Discussion</u> : Draft Policy in regards to auditing individuals who has been asked for their CEUs in the past D. Legal overview E. CEU Audit	Survey Cover letter/ Questions and distribution list Press Release	DM/MP  DM  MP
	VI.	Flex Session Topics for next agenda	None	

2:00 p.m.	VII.	<p><b>Executive Session (Roll call vote)</b></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, M.G.L. 30A § 21(a)(7) to review minutes of a previously held closed session of the Board.</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. In addition, the Board will consider approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for previous executive sessions of the Board.</li> </ol> <p><b>The Board will not reconvene in open session subsequent to the executive session.</b></p>	Closed Session	
	VIII.	<p><b>G.L. c. 112, § 65C Session</b></p> <p>None</p>	None	
	IX.	<p><b>Adjudicatory Session</b></p> <p>None</p>	None	
3:00 p.m.	X.	<p><b>Adjournment</b></p>	None	

# COMMONWEALTH OF MASSACHUSETTS

## BOARD OF RESPIRATORY CARE

### BOARD MEETING

Tuesday, December 16, 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  
Phillip Bort, Consumer 2  
Leslie Shaff, M.D., Physician 2  
Paul Nuccio, RT, Respiratory Therapist 1

Board Members

Not Present: Susan Binnall, Consumer 1

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  
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  
Traci Westgate, Program Coordinator, Office of Public Protection, DHPL

Guest: None

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Polanik, Board Chair, called the meeting to order at 1:14 p.m.

II. Review of the Agenda

The Meeting Agenda was reviewed.

DISCUSSION: None.

ACTION: None

Document: December 16, 2014 Board Meeting Agenda

III. Approval of Minutes

A. November 18, 2014 Regularly Scheduled Board Meeting

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

DISCUSSION: None

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

Documents: November 18, 2014 Regularly Scheduled Board Meeting Minutes

IV. License Reactivation Applications

A. Clark, Karen                      RT1925                      (Expired 5/31/2014)

DISCUSSION: Ms. Herbu informed the Board of Ms. Clark's reactivation application. Ms. Clark has submitted 15 CEUs for the current cycle. She has submitted all of the other required documentations.

ACTION: Ms. Patten made a motion to approve the reactivation application of Ms. Clark's license; Ms. Shaff seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: License Reactivation Application and Supporting Documentation.

V. Other Business/Announcements

A. Discussion: Subcommittee/Task force to review regulation related to CPAP/BIPAP.

DISCUSSION: Mr. Murphy gave a background history of the subcommittee task force to the two new Board members. The Board reviewed the final draft of the survey. Mr. Murphy mentioned they need to change the deadline date on the cover letter. The Board was informed that the questions will be available on DPHL's website as well.

ACTION: Mr. Polanik made a motion to amend the cover letter and send it out on the first week of January with a three week deadline; Ms. Shaff seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: Survey Cover letter/questions and distribution list

B. Unlicensed respiratory care settlement

DISCUSSION: Ms. Phillips informed the Board the unlicensed respiratory care settlement press release was previously distributed for Board members to review.

ACTION: None

Documents: Office of Attorney General Press Release dated December 2, 2014

C. Discussion: Draft Policy in regards to auditing individuals who has been asked for their CEUs in the past

DISCUSSION: The Board discussed the possibility of conducting two separate types of audits. One of the audits is random 10% of all licensed Respiratory Therapist in Massachusetts and the other type are Licensees who submitted current CEUs to the Board during their reactivation process.

ACTION: Mr. Bort made a motion to conduct a random CEU audit for 270 Licensees over the period of six months – asking for their previous CEU cycle; Mr. Nuccio seconded the motion; motion passed with Board members present and voting in favor unanimously.

ACTION2: Mr. Polanik made a motion to audit the Licensees who reactivated their license with submission of current CEU cycle to ensure they are not using the same CEU again for their upcoming CEU cycle; Ms. Patten seconded the motion; motion passed with Board members present and voting in favor unanimously.

Documents: None

#### D. Legal overview

DISCUSSION: Mr. Murphy gave an overview to the two new Board members in regards to conflict of interest, Board member recusing, open meeting law, regular session(public) vs executive session(roll call vote).

ACTION: None

Documents:

#### E. CEU Audit

DISCUSSION: Discussed in item V/C

ACTION: None

Documents: None

#### VI. Flex Session None

#### VII. Executive Session(Roll call vote)

At 2:11 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. 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 the December 16, 2014 meetings.

Mr. Polanik made a motion to enter into Executive session at 2:12 p.m.; Ms. Shaff seconded the motion. Motion passed with Board members present and voting in favor: Ms. Patten-yes; Mr. Polanik-yes; Mr. Bort-yes; Ms. Shaff-yes; Mr. Nuccio-yes; Abstained: None; Opposed: None; Recused: None

The Board adjourned the Executive Session at 3:04 p.m. and resumed its Regularly Scheduled Board Meeting

VIII. G.L. c. 112, § 65C Session  
None

IX. Adjudicatory Session  
None

X. Adjournment  
There being no other business before the Board, Mr. Polanik made a motion to adjourn the meeting; Ms. Patten seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 3:04 p.m.

The next meeting of the Board of Respiratory Care is scheduled for Tuesday, January 20, 2015, at 1:00 p.m. in Boston, MA.

Respectfully submitted:

Name	Position	Date
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